

Special Commission on State Institutions

January 23, 2025

3:00 PM – 5:00 PM

Virtual / Zoom

Kate Benson

Co-chair

Matt Millett

Co-chair

Agenda

1. Welcome
2. Recap of last meeting
3. Vote to approve minutes from 12/12/24 meeting
4. Upcoming Work of Special Commission
5. Review of CDDER Report
6. Next steps
7. Vote to adjourn

Upcoming Work of the Special Commission

- ▶ Next Steps for Commission Members:
 - ▶ Review CDDER's report and prepare questions
 - ▶ Decide on how we will generate recommendations and write the SCSI Report which is due to the Legislature on June 1, 2025.
 - ▶ For example: Review one topic per meeting and discuss what you want to do based on what you have learned

Schedule of Upcoming Meetings

▶ Option 1

2nd Thursday of the month from 3-5

- ▶ February 13th
- ▶ March 13th
- ▶ April 10th
- ▶ May 8th

▶ Option 2

4th Thursday of the month from 3-5

- ▶ February 27th
- ▶ March 27th
- ▶ April 24th
- ▶ May 22nd

CDDER's Report

- ▶ Emailed to members of the Special Commission on 01/15/25
- ▶ Warning on the use of words:
 - ▶ The report uses words to describe people with disabilities that are offensive.
 - ▶ The words are shown as they were used in the past to label schools, asylums and other institutions to show the full history of institutions in the state.

Report Structure – Main Sections

- ▶ The report contains four sections:
 1. Historical Timeline
 2. Records and Records Access
 3. Burials and Burial Locations
 4. Framework for Remembrance
- ▶ Each section was reviewed during the SCSI meetings over the fall of 2024.

Report Structure – Executive Summary

- ▶ The Report contains an *Executive Summary*:
 - ▶ Short overview of a larger research paper which explains the issue, gives conclusions, and suggests what should be done
 - ▶ It's often the first thing people read and is all decision-makers will review to decide if and what action is needed.
 - ▶ Recorded reading of the Plain Language version of the report was provided to Special Commission Members last week
 - ▶ Opportunities for the Commission to consider are included in the executive summary.

Report Structure – Attachments

- ▶ The report includes ten attachments.
- ▶ An "attachment to a report" is an extra document or file that comes with the main report.
- ▶ It gives more details or information to help understand the report better but isn't part of the main report itself.
- ▶ Most of these documents have been shared with the members of the SCSI over the past year.

CDDER Report Questions/Feedback?

Potential Areas of Opportunity for Recommendations

Records and Record Access

Opportunities for Consideration

Area of Opportunity: Rules Governing Records Access

- ▶ Make recommendations for changes in laws that govern access to records of people who lived at institutions by family members
 - ▶ Make the records access process more consistent and transparent for family members
 - ▶ Clarify whether state agencies can confirm record availability prior to family members needing to go to court and/or pay fees.

Area of Opportunity:

Rules Governing Records Access (cont.)

- ▶ Set in policy the period that must pass before individual records from state institutions can be accessed from the Massachusetts State Archives.
 - ▶ There is currently no period set in Massachusetts General Law as it is in many other states.
- ▶ Recommend changes to the Statewide Records Retention Schedule to ensure that individual records from state institutions would be maintained at the MA State Archives when the managing agencies no longer need to retain them.
 - ▶ Currently, the schedule for retention of medical records is set to a 20-year retention period.

Area of Opportunity: Record Locations

- ▶ Formally ask for a more detailed accounting of records currently held by the Department of Development Services and the Department of Mental Health, including date ranges.
- ▶ Make recommendations on developing procedures and guidance about what must be done to protect and account for records when an institution or state service office closes.
 - ▶ The Commission could include specific content which could be recommended to be included as part of these procedures.
- ▶ Formally ask for documentation about what sets of records the state agencies that ran institutions requested permission to be destroyed from the Records Conservation Board.

Area of Opportunity: Interpretation of Privacy Laws in Relation to Records

- ▶ Make an appeal to the Supervisor of Records regarding the interpretation that other states have made that HIPAA does not prohibit disclosure of state public records, because it contains an exception for records made public by state law.
 - ▶ Recently, there have been legal arguments that changes to records access laws mean medical records are no longer fully protected from being disclosed.
 - ▶ The state must now weigh the public's interest in accessing these records against the need to protect privacy when deciding on record requests.

Area of Opportunity: Access to Private Collections

- ▶ Make recommendations regarding records held by various libraries and other collections that do not appear to be governed by state retention laws.

Area of Opportunity: Create a pathway for the return of records

- ▶ From the 1970s to the early 2000s, many state hospitals and schools for people with IDD closed.
- ▶ In the rush to shut down these facilities, private patient records were often left behind.
- ▶ Records were later discovered by "urban explorers" who ventured through the abandoned buildings.
- ▶ Some urban explorers took items, including patient records, as mementos.
- ▶ A number of these records have been sold online.
- ▶ One possible recommendation could include creating a pathway to facilitate the return of these stolen items

Burial and Burial Locations

Opportunities for Consideration

Area of Opportunity:

Recommend Repealing Chapter 113

- ▶ Chapter 113 of the General Law makes state institutions give bodies of people who die there to medical schools if their family does not claim them.
- ▶ Chapter 113 permits officers of medical schools in Massachusetts to request bodies for anatomical science of people who died in any public institution within Massachusetts who are required to be buried at the public expense.
 - ▶ Includes Tewksbury hospital or other public institutions supported in whole or part at the public expense, except the state-operated veterans' homes.
 - ▶ Specifies that this permission will not be given to veterans or people who requested their body to be buried or to be delivered to their family or a friend.
- ▶ In key informant interviews with anatomical departments of Medical Schools in Massachusetts, Medical Schools report no longer requesting cadavers through this process as other practices have replaced it.

Area of Opportunity: Unmarked Graves

- ▶ Unmarked burials, especially in old cemeteries linked to state institutions, are hard to identify and protect. Many graves were marked with temporary markers or not marked at all, and as these institutions aged, the markers may have disappeared or been moved. This is especially true in cemeteries near areas that are being developed, which increases the chance of graves being overlooked.
- ▶ Sites:
 - ▶ Northampton State Hospital
 - ▶ Westborough State Hospital/Reform School for Boys/Lake Chauncy
 - ▶ Foxborough State Hospital
 - ▶ The Pines-Tewksbury State Hospital

Area of Opportunity: Unmarked Graves (cont.)

- ▶ Create educational materials for local town and city historical and conservation commissions on how to handle possible unmarked graves.
- ▶ Recommend and request funding to conduct research on areas where unmarked graves may exist to better understand and protect these locations.

Area of Opportunity: Cemetery Preservation and Restoration

- ▶ Make recommendations to further study and/or support cemetery restoration efforts to preserve and protect these sites.
- ▶ Some institutional cemeteries need restoration work and some need to be evaluated to detail what is needed for each cemetery
- ▶ MetFern Example:
 - ▶ In 2019 a proposal to use Community Preservation Act funds was approved with \$79,750 allocated for the restoration.
 - ▶ The approved work included fixing 300 cemetery monuments, repairing nearby stone walls, creating an inventory of those buried, removing debris, and putting up accurate historical signs.
 - ▶ Since the funds were never used, the funds were returned to the CPA account.

Area of Opportunity: Cemeteries Known to Need Restoration/Preservation

- ▶ Boston State Hospital - Mt Hope Cemetery
- ▶ Bridgewater State Hospital – State Farm Cemetery (Conant St)
- ▶ Bridgewater State Hospital - The Morgue Cemetery
- ▶ Foxborough State Hospital - State Hospital Cemetery
- ▶ Foxborough State Hospital - Rock Hill Cemetery
- ▶ Metropolitan State Hospital and Fernald State School - MetFern Cemetery
- ▶ Northampton State Hospital - Hospital Cemetery; also called Hillside Cemetery
- ▶ Tewksbury Hospital - The Pines
- ▶ Tewksbury Hospital - Livingston Street Cemetery (AKA No Name Cemetery)
- ▶ Worcester State Hospital - Hillside East Cemetery

Area of Opportunity: Cemeteries to Evaluate for Restoration and Preservation

- ▶ Gardner State Hospital- East Gardner Colony – State Hospital Cemetery
- ▶ Grafton State Hospital Cemetery - Hillcrest Cemetery
- ▶ Metropolitan State Hospital and Fernald State School - Mt Feake Cemetery
- ▶ Metropolitan State Hospital and Fernald State School - Belmont Cemetery
- ▶ Taunton State Hospital - Mayflower Hill Cemetery
- ▶ Templeton Developmental Center - Pine Grove Cemetery
- ▶ Various Institutions - Pine Hill Cemetery, Tewksbury
- ▶ Worcester State Hospital - Hope Cemetery

Area of Opportunity: Identify People

- ▶ Make public lists of those buried in cemeteries where only numbers were used, so their identities can be listed.
- ▶ Institutions/cemeteries where patients' graves are unmarked or only marked with a number and the names are not currently available
 - ▶ Boston State
 - ▶ Bridgewater State
 - ▶ Foxborough State
 - ▶ Gardner State
 - ▶ Metropolitan State
 - ▶ Northampton State
 - ▶ Taunton State
 - ▶ Tewksbury State
 - ▶ Worcester State
 - ▶ Fernald State School

Area of Opportunity: Install Signs

- ▶ Many of the hospital cemetery/burial ground do not have signs.
 - ▶ Hospital cemetery/burial ground should be clearly recognized to help protect it.
 - ▶ Adding signs with information or explanations would be a simple way to honor the history of the site and the people buried there, as well as the surrounding landscape.
 - ▶ A memorial for the burial ground would be a stronger way to recognize its importance and is recommended to help preserve the memory of it being used as a hospital cemetery.

Area of Opportunity: Install Signs (cont.)

- ▶ Cemeteries/burial sites where signage or memorials are recommended to be evaluated include:
 - ▶ Boston State Hospital-Mt Hope Cemetery
 - ▶ Bridgewater State Hospital-State Farm Cemetery on Conant Street
 - ▶ Foxborough State Hospital- Rock Hill Cemetery
 - ▶ Grafton State Hospital
 - ▶ MetFern Cemetery
 - ▶ Northampton State Hospital burial grounds
 - ▶ Taunton State Hospital-Mayflower Hill Cemetery
 - ▶ Tewksbury State-The Pines and No-Name Cemetery
 - ▶ Worcester State- Hillcrest East and Hope Cemetery

Area of Opportunity: Address Conditions at “The Pines” in Tewksbury

- ▶ The Pines Cemetery is being used for passive recreational activities like walking or hiking. Hiking trails cut through the cemetery itself
- ▶ Many of the grave markers have deteriorated or have sunk into the ground. Visitors are cautioned to watch out where they walk so that they don't trip/fall.
- ▶ The Pines Cemetery is maintained by local volunteers and due to the size and age of the cemetery it is difficult to maintain.
- ▶ The Town of Tewksbury's long-term goal for "The Pines" cemetery is to restore it so that it is welcoming to visitors while preserving its historical value and role as an important open space for the public.

Area of Opportunity: Address Conditions at “The Pines” in Tewksbury (cont.)

- ▶ Reevaluate and Redesign Trails- Reroute hiking trails to avoid cutting directly through the cemetery; mark designated paths to ensure visitors stay within safe, accessible areas.
- ▶ Repair and Stabilize Grave Markers: Initiate a project to restore and stabilize deteriorating grave markers, including leveling sunken markers and restoring inscriptions.
- ▶ Improve Visitor Safety and Education: Install safety signage to warn visitors of potential tripping hazards, such as uneven ground or deteriorating markers. Include educational signage about the cemetery’s history, the importance of the site, and respectful behavior while visiting.

Area of Opportunity: Close Pathway to Possibly Move Graves at Glavin Center

- ▶ Shrewsbury requested assistance from the Central Massachusetts Regional Planning Commission (CMRPC) to explore zoning and development opportunities for the former site of the Glavin Center.
- ▶ In May 2014, CMRPC identified potential opportunities to develop the site and included the following statement in relation to the Hillside West Cemetery:
 - ▶ *“The existing cemeteries associated with the Glavin Center use are presumed to be designated for protection in perpetuity. However, the relocation of these burial grounds may be an option which would allow for additional residential development opportunity or recreational fields.”*

Next Steps

▶ Vote to Adjourn