

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Kay Khan**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to mental health services in Massachusetts correctional institutions, houses of correction and jails.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	11th Middlesex
Patricia D. Jehlen	Second Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1887 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO MENTAL HEALTH SERVICES IN MASSACHUSETTS CORRECTIONAL INSTITUTIONS, HOUSES OF CORRECTION AND JAILS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 126 of the General Laws, as appearing in the 2000 Official Edition, is  
2 hereby amended by inserting, after section 27, the following new section:

3 Section 28. Mental Health Examinations and Services.

4 The sheriff shall ensure that each person admitted to a county correctional facility, including a  
5 house of correction or jail, shall have access to mental health care consistent with his or her  
6 needs. Mental health care shall include but not be limited to suicide screening, mental health and  
7 substance abuse screening upon admission or transfer to a facility; mental health assessment  
8 within two weeks of admission or transfer and periodically thereafter; a comprehensive mental  
9 health evaluation within a time frame appropriate to the level or urgency; suicide prevention;  
10 crisis intervention; an individualized plan of care; psychiatric services, including medication and  
11 medication monitoring; individual and group psychotherapy; evaluation for transfer to a mental

12 health facility; and discharge planning, including referral to appropriate mental health services at  
13 the time of release and sufficient medication for continued treatment until enrollment in a public  
14 or private health plan.

15 a. Each such correctional facility shall comply with the principles and guidelines of the current  
16 version of the American Psychiatric Association Task Force Report on Psychiatric Services in  
17 Jails and Prisons, or such higher standards as the sheriff may require, with respect to the  
18 provision of mental health care.

19 b. The department of mental health shall inspect each such correctional facility at least annually  
20 to determine compliance with this section. The commissioner of mental health shall make a  
21 report of the findings and any recommendations from each inspection to the sheriff, including  
22 any recommendations for revisions to the standards for the provision of mental health care.

23 c. The sheriff shall require in each such correctional facility training of administrative, health  
24 care, and correctional staff including but not limited to the symptoms of chronic and persistent  
25 mental illnesses such as major depression, bipolar disorder, obsessive compulsive disorder,  
26 schizophrenia, and Borderline Personality Disorder; the medications used to treat these illnesses,  
27 the side effects of the medications, the types and causes of self-mutilation and strategies for  
28 dealing with mentally ill inmates in crisis. The sheriff shall develop protocols for said training in  
29 cooperation with the commissioner of mental health.

30 d. The commissioner of mental health shall file an annual report of its inspections of mental  
31 health care in county correctional facilities for the prior year, including any recommendations,  
32 with the secretary of public safety, the secretary of health and human services, the commissioner  
33 of corrections, each sheriff, the house and senate committees on ways and means, the joint

34 committee on health care financing, the joint committee on mental health and substance abuse  
35 and the legislative mental health caucus.

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37 SECTION 2. Chapter 127 of the General Laws, as appearing in the 2000 Official Edition, is  
38 hereby amended by inserting, after section 17, the following new section:

39 Section 17A. Mental Health Examinations and Services.

40 The commissioner shall ensure that each person admitted to a state correctional facility shall  
41 have access to mental health care consistent with his or her needs. Mental health care shall  
42 include but not be limited to suicide screening, mental health and substance abuse screening  
43 upon admission or transfer and periodically thereafter; a comprehensive mental health evaluation  
44 within a time frame appropriate to the level of urgency; suicide prevention; crisis intervention; an  
45 individualized plan of care; psychiatric services, including medication and medication  
46 monitoring; individual and group psychotherapy; evaluation for transfer to a mental health  
47 facility; and discharge planning, including referral to appropriate mental health services at the  
48 time of release and sufficient medication for continued treatment until enrollment in a public or  
49 private health plan.

50 a. Each such correctional facility shall comply with the principles and guidelines of the current  
51 version of the American Psychiatric Association Task Force Report on Psychiatric Services in  
52 Jails and Prisons, or such higher standards as the sheriff may require, with respect to the  
53 provision of mental health care.

54 b. The department of mental health shall inspect each such correctional facility at least annually  
55 to determine compliance with this section. The commissioner of mental health shall make a  
56 report of the findings and any recommendations from each inspection to the sheriff, including  
57 any recommendations for revisions to the standards for the provision of mental health care.

58 c. The commissioner shall require in each such correctional facility training of administrative,  
59 health care, and correctional staff including but not limited to the symptoms of chronic and  
60 persistent mental illnesses such as major depression, bipolar disorder, obsessive compulsive  
61 disorder, schizophrenia, and Borderline Personality Disorder; the medications used to treat these  
62 illnesses, the side effects of the medications, the types and causes of self-mutilation and  
63 strategies for dealing with mentally ill inmates in crisis. The commissioner shall develop  
64 protocols for said training in cooperation with the commissioner of mental health.

65 d. The commissioner of mental health shall file an annual report of its inspections of mental  
66 health care in state correctional facilities for the prior year, including any recommendations, with  
67 the secretary of public safety, the secretary of health and human services, the commissioner of  
68 correction, each sheriff, the house and senate committees on ways and means, the joint  
69 committee on health care financing, the joint committee on mental health and substance abuse  
70 and the legislative mental health caucus.