

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 to provide services for medically ill and mentally ill persons.

PETITION OF:

NAME:

Angelo M. Scaccia

DISTRICT/ADDRESS:

14th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1903 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROVIDE SERVICES FOR MEDICALLY ILL AND MENTALLY ILL PERSONS.

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

- 1 Chapter 19 of the Mass. General Laws is hereby amended by adding, after section one, the following new
2 section: —
- 3 At least the first twelve and one-half percent of any placements of persons in new department of mental
4 health adult community residential programs receiving operating funds within a fiscal year, including but
5 not limited to placements in existing community residential programs which are not yet operational, shall
6 be provided in community residential programs with medical/nursing care components for persons
7 requiring both long-term mental health services and at least intermediate nursing care services, as defined
8 in the regulations of the department of public welfare, regardless of any person's need to have such
9 services provided in an institutional setting, until such time that at least one hundred sixty such
10 placements in community residential programs with medical/nursing care components are provided and
11 maintained, as required by the comprehensive statewide plan developed pursuant to Section 79 of Chapter
12 169 of the Acts of 1987.
- 13 In the event that twelve and one-half percent of the new community residential placements funded equals
14 an amount adequate to provide only a fractional portion of, or a whole number plus a fractional portion of,
15 the operating or capital funds necessary to fund a whole number of community residential programs with
16 medical/nursing care components, the department shall provide all additional amount adequate to fund the
17 next higher whole number of community residential programs with medical/nursing care components.
- 18 For each department of mental health inpatient bed that is closed during a fiscal year, commencing with

19 fiscal year two thousand and ten, at the Hadley building at Westborough state hospital, the Worcester
20 geriatric unit at Worcester state hospital, and at any other department of mental health inpatient unit(s)
21 composed entirely or almost entirely of clients with intermediate, skilled or chronic disease hospital level
22 nursing care needs, an amount equal to the per diem cost of operating such bed multiplied by the number
23 of days of the fiscal year during which the bed is closed, shall be transferred from the department of
24 mental health 5095-0015 account to the 5046-0000 account for the purpose of funding the operation of
25 community residential programs with medical/nursing components as required under said comprehensive
26 statewide plan, and shall be annualized in subsequent fiscal years in the 5046-0000 account.

27 The department of mental health shall create a master plan to develop at least one hundred sixty
28 community residential placements with medical/ nursing care components, assuming five-year
29 implementation, starting with fiscal year 2010, and requiring the development of at least thirty-two
30 placements per year, subject to appropriation. The Department of Mental Health shall submit the master
31 plan to the house and senate committees on ways and means on December 31, 2010 and shall submit a
32 report regarding implementation of the master plan, adjusted if necessary based on the prior or current
33 fiscal year appropriation, quarterly thereafter. Such plan shall require that programs be comparable in size
34 to other department of mental health community residential programs, and geographically spread
35 throughout the department of mental health regions in the commonwealth. Such plan and quarterly reports
36 shall designate, by department of mental health region, the types of programs to be developed each year,
37 the level of medical/nursing care to be provided on site at each program, the projected starting date for
38 each program, the number of clients in each program, and the names of clients projected for placement in
39 each program.

40 The department shall keep a separate waiting list of persons waiting for community residential placements
41 with medical/ nursing care components. Such list shall be developed by December 31, 2010, and updated
42 monthly.