



The Office of Representative Randy Hunt
MASSACHUSETTS HOUSE OF REPRESENTATIVES
5TH BARNSTABLE DISTRICT

Bill Background & Summary

Bill: H3498, *An Act improving the mental health examination process of inmates at places of detention*

Sponsors: Presented by Representative Randy Hunt (R-Sandwich). It has **43** cosponsors, including Reps. Barrows, Berthiaume, Cahill, Calter, Campbell, Cantwell, Chan, Crocker, Day, DeCoste, DiZoglio, Ferguson, Fiola, Garballey, Gentile, Gifford, Golden, Harrington, Howitt, Keefe, Linsky, Markey, McKenna, Muratore, Orrall, Peake, Poirier, Provost, Scaccia, Schmid, Silvia, Tosado, Tucker, Ultrino, Vieira, Whelan, and Zlotnik; and Sens. Brownsberger, Cyr, Eldridge, Flanagan, and Lovely.

A Sampling of Supporters:

- Prisoners' Legal Services
- Massachusetts Sheriffs' Association
- NAMI-Cape Cod
- Barnstable County Sheriff's Office
- CPS Healthcare
- Law Office of Mary T. Zdanowicz – Specializing in mental illness law and policy

Status: The bill is currently before the Joint Committee on the Judiciary. It was heard before the Committee on June 19, 2017.

Intent: The intent of this bill is to help staff and inmates at places of detention by allowing a provider who is legally able to prescribe psychiatric medications under the license and supervision of a psychiatrist to make mental health examinations of inmates and issue reports to the appropriate court recommending the hospitalization of qualifying inmates. Currently, under M.G.L. c.123, §18(a), only physicians and psychologists, of which there are shortages in jails and houses of correction (HOCs), are permitted to perform these services at places of detention, resulting in the delay of treatment for inmates requiring acute mental health services.

Origin: This bill comes out of a repeated frustration that Representative Hunt has seen at the Barnstable County Correctional Facility (BCCF), which along with many HOCs outsources its psychiatric services. The last place someone with a mental health condition needs to be is in isolation and/or physically constrained in a prison setting. When a situation occurs that requires an inmate to be transferred to Bridgewater State Hospital, the sheriff has no other option than to separate the inmate from the rest of the population. This would be less of a problem if psychiatrists were on-staff or locally on-call, but frequently neither of these is the case.

The problem this situation poses is just one more manifestation of the dearth of psychiatrists in the commonwealth; jails and HOCs like BCCF have to contract for such services and, in the case of BCCF, the professionals are often more than an hour's drive away.

The bottom line is that we are seeing inmates detained in isolation for hours—up to a day—awaiting a signature when it is plainly obvious to the trained onsite personnel that mental health services are needed right away.

This issue was brought to Representative Hunt by the Barnstable County Sheriff's Office and the Chief Operating Officer of Correctional Psychiatric Services (CPS), their psychiatric service provider. It is notable that the service provider would reduce billable hours to the BCCF if this legislation was to pass, something they would welcome as they are stretched thin as it is.

The bill was drafted by Representative Hunt's office, in collaboration with BCCF, CPS, and mental health advocates; with the assistance of House Counsel.

Bill Text:

SECTION 1. Section 18 of chapter 123 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 6, 7 and 8, and 18 and 19, the words "physician or psychologist" and inserting in place thereof the following words:-
physician, psychologist, or provider who prescribes psychiatric medications under the license and supervision of a psychiatrist.

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Information Current as of July 27, 2017