

SENATE No. 1281

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 adoption of the accompanying bill:

An Act relative to psychotropic medication.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 1281

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 1281) of Diana DiZoglio for legislation relative to administering scheduled psychotropic medications without prior written consent at nursing homes, rest homes or other long-term care facilities. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1142 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to psychotropic medication.

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 140 of Chapter 165 of the Massachusetts General Laws as so appearing in the
2 2014 Official Edition is hereby amended:

3 Notwithstanding subsections (b) and (c) a facility may administer a scheduled
4 psychotropic medication without prior written informed consent in the following instances, (i) in
5 the case of an admission of a resident to a facility from an inpatient hospital in which the
6 resident had been prescribed and was receiving psychotropic medications pursuant to a valid
7 informed consent, or when a facility is not able to obtain an informed consent in writing prior to
8 or at the time of admission to the facility or (ii) in emergency situations, as defined by the
9 Department of Public Health; or (iii) in the case of residents on hospice care who need the

10 immediate administration of psychotropic medication to prevent extreme distress, discomfort and
11 /or pain; provided, however, that in instances in (i) or (ii), a facility shall obtain verbal informed
12 consent prior to administration, and written informed consent as soon as practicable, but no later
13 than 3 consecutive calendar days, following administration of a scheduled psychotropic
14 medication. If written informed consent cannot be obtained within the three-day period the
15 dosage shall be reduced in a clinically appropriate manner and documented to terminate the
16 psychotropic medication."