

An Act Relative to Ensuring Quality Mental Health Services in State Correctional Facilities

This bill provides for Department of Mental Health supervision of mental health care in the Department of Correction, including review of DOC contracts with vendors of mental health services and the setting of minimum standards for mental health care in prisons. It requires DMH audits of mental health care in each DOC facility at least once every six months to ensure compliance with these standards.

H.1171, Rep. Ruth Balser

2015-2016 legislative session

Why This Matters

In recent decades, Massachusetts prisons have been flooded with prisoners that have mental illness, but have struggled to provide adequate care to these prisoners. One quarter of all male prisoners, and nearly 60 percent of female prisoners, receive mental health care; most of these are prescribed psychotropic medication. Yet the DOC, with a public safety mandate, is not institutionally equipped to provide or supervise mental health treatment. Although the DOC contracts with outside vendors for mental health care services, it lacks the expertise to craft and supervise a contract ensuring treatment. Furthermore, the contractor, driven by a financial incentive to reduce costs, underdiagnoses mental disorders and limits access to clinicians, medications and treatment modalities. Prisoners can wait weeks after an urgent request to see a clinician, generally receive therapy only once a month, if at all, and many go without the medications that managed their mental illness before incarceration. Without specialized expertise the DOC is unable to check these practices.

Untreated or undertreated mental illness creates prison management problems and increased recidivism. Too many prisoners are released without the mental health treatment that would enable successful reentry.

What this Bill Would Do

The primary mission of the Department of Mental Health is to ensure that all citizens of the Commonwealth with mental illness receive appropriate treatment. Currently DMH is responsible only for supervising the mental health care of prisoners in segregation units, but this responsibility should be extended to all DOC prisoners. DMH has the necessary expertise that DOC lacks to ensure that minimum standards for mental health care delivery are met. It would review and approve the contract for mental health services, ensuring that its provisions are adequate to ensure appropriate treatment for all prisoners. It would also audit mental health care delivery in each DOC facility twice a year to determine compliance with the minimum standards. By ensuring adequate mental health treatment, DMH supervision will benefit prison management and public safety.