

H.2211

AN ACT MODERNIZING THE SIX FUNDAMENTAL RIGHTS

IN MASSACHUSETTS,

17,962 complaints were made from inpatient psychiatric facilities between 2008 and 2018.

- 48.9% related to patient **safety**, including medical negligence & human rights violations;
- 19.9% related to **sexual, physical, or verbal abuse** (Shields & Hollander, 2023).

The "**right to fresh air**" was added to the fundamental rights for inpatient care in 2015 and met with **immediate resistance from mental health facilities**. One-third of hospitals statewide announced plans to seek waiver from the new rules (Bailey, 2016).

- In 2024, an employee of Tewksbury State Hospital told *The Boston Globe* that outdoor access is limited and involves "**a lot of angry people in a tiny elevator.**" Others added that **ten of the allotted thirty minutes** might be spent getting to the yard, which is only slightly larger than a basketball court (Laughlin, 2024).

AT INPATIENT PSYCHIATRIC UNITS NATIONWIDE,

- Experiencing "**institutional betrayal,**" such as **abuse or retaliation**, reduces patients' willingness to voluntarily undergo hospitalization by 45%, and reduces willingness to report distressing thoughts to mental health providers by 30% (Lewis et al., 2024).
- Patients may not report **sexual assault** for many reasons, including fear of retaliation or disbelief, fear of the perpetrator, stigma, and powerlessness. Still, studies show that **between five and 45% of mental health patients have experienced sexual assault during an inpatient admission** (Betterly et al., 2023).
 - In the above study of **Massachusetts inpatient complaints, 10.9% related to sexual abuse** (Shields et al., 2023).
- People from **racial and ethnic minority groups** are more likely to be assigned to **older, lower-quality facilities** than white people (Michaels et al., 2023) and **more likely to be placed in physical restraint**, often for longer duration (Singal et al., 2023).
- **LGBTQ+ people** consistently report **pervasive misgendering, discrimination, and victimization**; lack of cultural humility from care providers, often due to inadequate training; and a lack of healthcare infrastructure to meet their needs (Clark et al., 2025).

What does it mean to “modernize” the Six Fundamental Rights?

Bill H.2211 will **amend Section 23 of Chapter 123 of the General Laws** to:

- Update mail and telephone access protections to include reasonable daily access to **e-mail, video phones, and other personal devices.**
- Expand flexibility of patients’ visiting hours, as well as access to **peer supporters**, recovery coaches, **therapists**, and other community mental health, medical, or holistic providers.
- Require living accommodations that are “appropriate to [patients’] **stated gender identity** and with reasonable access to **culturally relevant personal care products.**”
- Implement **\$100 fine per incident** if a facility, after receiving fair warning and opportunity to correct, continues to violate any of the Six Fundamental Rights.
 - Fines will go towards the individual and collective needs of anyone in inpatient psychiatric care.

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