

HOUSE No. 1972

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler and Kathleen R. LaNatra

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 expanding access to mental health services and strengthening risk assessment protocols.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/17/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>1/19/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/30/2023</i>

HOUSE No. 1972

By Representatives Cutler of Pembroke and LaNatra of Kingston, a petition (accompanied by bill, House, No. 1972) of Josh S. Cutler, Kathleen R. LaNatra and Vanna Howard relative to expanding access to mental health services and strengthening risk assessment protocols. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act expanding access to mental health services and strengthening risk assessment protocols.

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 1. Section 12 of chapter 123 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
3 the following subsection:-

4 (a) A physician who is licensed pursuant to section 2 of chapter 112, an advanced
5 practice registered nurse authorized to practice as such under regulations promulgated pursuant
6 to section 80B of said chapter 112, a qualified psychologist licensed pursuant to sections 118 to
7 129, inclusive, of said chapter 112, a licensed independent clinical social worker licensed
8 pursuant to sections 130 to 137, inclusive, of said chapter 112, or a licensed mental health
9 counselor licensed pursuant to section 165 of chapter 112 who, after examining a person and
10 evaluating the risk of serious harm, has reason to believe that failure to hospitalize such person
11 would create a likelihood of serious harm to themselves or others by reason of mental health
12 issues may restrain or authorize the restraint of such person and apply for the hospitalization of

13 such person for a 3-day period at a public facility or at a private facility authorized for such
14 purposes by the department. If an examination is not possible because of the emergency nature of
15 the case and because of the refusal of the person to consent to such examination, the physician,
16 qualified psychologist, qualified advanced practice registered nurse, licensed independent
17 clinical social worker or licensed mental health counselor on the basis of the facts and
18 circumstances may determine that hospitalization is necessary and may therefore apply. In an
19 emergency situation, if a physician, qualified psychologist, qualified advanced practice
20 registered nurse, licensed independent clinical social worker or licensed mental health counselor
21 is not available, a police officer who believes that failure to hospitalize a person would create a
22 likelihood of serious harm to self or others may restrain such person and apply for an evaluation
23 of the need for hospitalization of such person for a 3-day period at a public facility or a private
24 facility authorized for such purpose by the department. An application for an evaluation of the
25 need for hospitalization shall state the reasons for the referral and possible restraint of such
26 person and any other relevant information related to the degree of risk for serious harm to self or
27 others that may assist the admitting physician or qualified advanced practice registered nurse.
28 Whenever practicable, prior to transporting such person, the applicant shall telephone or
29 otherwise communicate with a facility to describe the circumstances and known clinical history
30 and to determine whether the facility is the proper facility to receive such person and to give
31 notice of any restraint to be used and to determine whether such restraint is necessary.

32 SECTION 3. Section 22 of said chapter 123, as so appearing, is hereby amended by
33 inserting after the words “police officers” in line 3 the following words:- , licensed mental health
34 counselors.

35 SECTION 4. Said section 22 of said chapter 123, as so appearing, is hereby further
36 amended by inserting after the words “police officer” in line 9 the following words:- licensed
37 mental health counselor.