

HOUSE No. 2408

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 applications for temporary involuntary hospitalization.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/19/2017</i>

HOUSE No. 2408

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2408) of Angelo M. Scaccia relative to the period of restraint of patients by certain mental health service providers. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1818 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to applications for temporary involuntary hospitalization.

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 2012
2 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
3 the following:-

4 (a) Any physician who is licensed pursuant to section 2 of chapter 112 or qualified
5 psychiatric nurse mental health clinical specialist authorized to practice as such under regulations
6 promulgated pursuant to the provisions of section 80B of said chapter 112 or a qualified
7 psychologist licensed pursuant to sections 118 to 129, inclusive, of said chapter 112, or a
8 licensed independent clinical social worker licensed pursuant to sections 130 to 137, inclusive, of
9 chapter 112 who, after examining a person, has reason to believe that failure to hospitalize such
10 person would create a likelihood of serious harm by reason of mental illness may restrain or

11 authorize the restraint of such person and apply for the hospitalization of such person for a 3-day
12 period at a public facility or at a private facility authorized for such purposes by the department.
13 If an examination is not possible because of the emergency nature of the case and because of the
14 refusal of the person to consent to such examination, the physician, qualified psychologist,
15 qualified psychiatric nurse mental health clinical specialist or licensed independent clinical social
16 worker on the basis of the facts and circumstances may determine that hospitalization is
17 necessary and may apply therefore. In an emergency situation, if a physician, qualified
18 psychologist, qualified psychiatric nurse mental health clinical specialist or licensed independent
19 clinical social worker is not available, a police officer, who believes that failure to hospitalize a
20 person would create a likelihood of serious harm by reason of mental illness may restrain such
21 person and apply for the hospitalization of such person for a 3-day period at a public facility or a
22 private facility authorized for such purpose by the department. An application for hospitalization
23 shall state the time of initiation, the reasons for the restraint of such person and any other
24 relevant information which may assist the admitting physician or physicians. Whenever
25 practicable, prior to transporting such person, the applicant shall telephone or otherwise
26 communicate with a facility to describe the circumstances and known clinical history and to
27 determine whether the facility is the proper facility to receive such person and also to give notice
28 of any restraint to be used and to determine whether such restraint is necessary. The
29 authorization to restrain a person pursuant to this section shall expire no more than 12 hours after
30 the restraint has been initiated and may not be renewed.