

SENATE No. 2974

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
—

SENATE, March 12, 2026.

The committee on Health Care Financing to whom was referred the Senate Bill to provide more timely treatment of inpatient mental health care (Senate, No. 1401), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2974).

For the committee,
Cindy F. Friedman

SENATE No. 2974

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to provide more timely treatment of inpatient mental health care.

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 2 of chapter 123 of the General Laws, as appearing in the 2024
2 Official Edition, is hereby amended by striking out, in line 12, the word “and”.

3 SECTION 2. Said section 2 of said chapter 123, as so appearing, is hereby further
4 amended by inserting after the word “facilities”, in lines 13 to 14, the following words:- , and (4)
5 shall be developed in a manner consistent with available physician resources and in accordance
6 with national standards for providing evening and night coverage for hospitals.

7 SECTION 3. Said chapter 123, as so appearing, is hereby amended by striking out
8 section 5 and inserting in place thereof the following section:

9 Section 5. Whenever the provisions of this chapter require that a hearing be
10 conducted in any court for the commitment or further retention of a person to a facility or to the
11 Bridgewater state hospital or for medical treatment including treatment with antipsychotic
12 medication, it shall be held as hereinafter provided. Such person shall have the right to be
13 represented by counsel and shall have the right to present independent testimony. The court shall

14 appoint counsel for such person whom it finds to be indigent and who is not represented by
15 counsel, unless such person refuses the appointment of counsel. The court may provide an
16 independent medical examination for such indigent person upon request of his counsel or upon
17 his request if he is not represented by counsel. Such independent medical examination, if
18 requested by the indigent person or his counsel, shall be requested not more than 24 hours after
19 the appointment of counsel and shall be completed within 3 business days after such request for
20 the independent medical examination. The person shall be allowed not less than two days after
21 the appearance of his counsel in which to prepare his case and a hearing shall be conducted
22 forthwith after such period. The court shall schedule sufficient days and sessions to hear petitions
23 filed under this chapter within the time required by this section. Notice of the time and place of
24 hearing shall be furnished by the court to the department, the person, his counsel, and his nearest
25 relative or guardian. The court may hold the hearing at the facility or said hospital.

26 SECTION 4. Section 7 of said chapter 123, as so appearing, is hereby amended by
27 striking out subsection (c) and inserting in place thereof the following subsection:-

28 (c) Whenever a court receives a petition filed under any provisions of this chapter
29 for an order of commitment of a person to a facility or to the Bridgewater state hospital, such
30 court shall notify the person, and his nearest relative or guardian, of the receipt of such petition
31 and of the date a hearing on such petition is to be held. The hearing on a petition brought for
32 commitment pursuant to paragraph (e) of section 15, and sections 16 and 18, or for a subsequent
33 commitment pursuant to paragraph (d) of section 8 shall be commenced within 14 days of the
34 filing of the petition. For all other persons, the hearing shall be commenced within 5 days of the
35 filing of the petition. The court shall schedule sufficient days and sessions to hear petitions filed
36 under this chapter within the time required by this subsection. The periods of time prescribed or

37 allowed under the provisions of this section shall be computed pursuant to Rule 6 of the
38 Massachusetts Rules of Civil Procedure.

39 SECTION 5. Section 8B of said chapter 123, as so appearing, is hereby amended by
40 striking out subsection (c) and inserting in place thereof the following subsection:-

41 (c) Whenever a court receives a petition filed under the provisions of this section,
42 such court shall notify the person, and his nearest relative or guardian of the receipt of such
43 petition and of the date a hearing on such petition is to be held. The hearing shall be commenced
44 within 5 days of the filing of the petition, provided that the commencement of such hearing shall
45 not be delayed beyond the date of the hearing on the commitment petition if the petition was
46 filed concurrently with a petition for commitment. The court shall schedule sufficient days and
47 sessions to hear petitions filed under this section within the time required by this subsection.

48 SECTION 6. Section 12 of said chapter 123, as so appearing, is hereby amended by
49 inserting after the twelfth sentence the following sentence:- The court shall schedule sufficient
50 days and sessions to hear petitions filed under this section within the time required by this
51 subsection.

52 SECTION 7. Section 36 of said chapter 123, as so appearing, is hereby amended by
53 striking out, in lines 5 to 7, the words “that the commissioner shall allow the attorney of a patient
54 or resident to inspect records of said patient or resident if requested to do so by the patient,
55 resident or attorney,” and inserting in place thereof the following words:- the attorney of a
56 patient or resident shall be provided a copy of said patient or resident’s complete medical records
57 within 24 hours of the request of the patient, resident or attorney.

58 SECTION 8. Subsection (d) of section 5-308 of chapter 190B of the General Laws, as
59 appearing in the 2024 Official Edition, is hereby amended by inserting after the words “as
60 expeditiously as possible”, in line 55, the following words:- ; provided however, for patients in
61 inpatient mental health facilities, said hearing shall be conducted within 7 days of the filing of
62 the petition and the notice required under subsection (c) of this section shall be adjusted
63 accordingly.

64 SECTION 9. Notwithstanding any general or special law, regulation or procedure to the
65 contrary, the department of children and families, in conjunction with the office of the child
66 advocate, shall develop a facilitated process and time frame for the administration of
67 antipsychotic medication for children in their custody who are hospitalized in inpatient
68 psychiatric facilities.