

Massachusetts State Guidance

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Statutory basis and key terms

Massachusetts General Laws Chapter 123

Follow this link to read the Statutes in full here:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter123>

Key definitions and abbreviations

“Bridgewater State Hospital” means the public facility for housing male patients, found to meet specified criteria, in strict custody. The Bridgewater state hospital is operated by the Department of Corrections, not the Department of Mental Health.

“Commissioner” means the [commissioner of mental health](#).

“Facility” means a public or private facility authorized by the department of mental health for the care and treatment of mentally ill persons, except for the Bridgewater State Hospital.

“Likelihood of serious harm” means a substantial risk that, because of mental illness, a person will:

- Cause physical harm to themselves, shown by threats, attempts, or serious self-harm behavior;
- Cause physical harm to other people, shown by violent behavior or threats that place others in reasonable fear of serious physical injury; or
- Be unable to protect themselves from serious physical harm, meaning their judgment is so impaired that they cannot safely care for their basic needs, and there is no reasonable alternative to hospitalization.

“Qualified Advanced Practice Registered Nurse” means a certified registered nurse anesthetist, a certified nurse midwife, certified nurse practitioner, clinical nurse specialist, or psychiatric clinical nurse specialist authorized to practice by the department of mental health. A qualified advanced practice registered nurse is not required to be employed by the department or its facilities.

“Qualified Physician” means a licensed physician who meets qualifications required by the department of mental health. A qualified physician is not required to be employed by the department or its facilities.

“Qualified Psychologist” means a licensed psychologist who is designated by and who meets qualifications required by the department of mental health. A qualified psychologist is not required to be employed by the department or its facilities.

“Superintendent” means the superintendent or other head of a public or private facility.

Advance Practice Registered Nurse (APRN)

Emergency evaluation

Criteria for emergency evaluation

The criteria for emergency evaluation are that failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness.

Who can initiate an emergency evaluation?

Any person can initiate emergency evaluation, and the process differs based on whether the initiator is a qualified professional (*see definitions, above*), a police officer, or any other person.

Qualified professional

How? Have reason to believe that the person meets criteria after examination or if examination is not possible, on basis of the facts and circumstances.

What do they initiate? May hold or authorize the hold of the person and apply for their hospitalization.

Where does the proposed patient go? Facility (*see definitions*).

What’s the time limit for the response? There is no time limit prescribed for qualified professional, police officer or the court’s response.

What happens? If the application is made by a physician or Advance Practice Registered Nurse (APRN) with authority to admit individuals, the person must be admitted to the facility upon arrival.

Otherwise, an admitting physician or APRN will conduct a psychiatric examination of the person upon arrival to determine if the person meets criteria and if so, admit the person.

What’s next? The person is temporarily hospitalized for ongoing observation.

If during hospitalization, the superintendent determines the person is no longer in need of care and treatment, they may discharge the person.

A person hospitalized without a court order may request a hearing, which the district court must hold no later than the next business day.

Time duration of the hold? No more than three days, excluding weekends and legal holidays. If the superintendent petitions for inpatient treatment the person may continue to be held until the hearing on the application (*see “inpatient treatment” below*).

Who decides whether to continue to a hearing? The admitting facility superintendent by

filing a petition for inpatient treatment with the district court (see “inpatient treatment” below).

Is there a form? [DMH § 12 Application for Authorization of Temporary Involuntary Hospitalization](#)

Police officer

How? They have belief that the person meets criteria in an emergency situation.

What do they initiate? May take the person into civil custody, transport them to a facility, and apply for their hospitalization.

Where does the proposed patient go? Facility (*see definitions*).

What’s the time limit for the response? There is no time limit prescribed for qualified professional, police officer or the court’s response.

What happens? If the application is made by a physician or Advance Practice Registered Nurse (APRN) with authority to admit individuals, the person must be admitted to the facility upon arrival.

Otherwise, an admitting physician or APRN will conduct a psychiatric examination of the person upon arrival to determine if the person meets criteria and if so, admit the person.

What’s next? The person is temporarily hospitalized for ongoing observation.

If during hospitalization, the superintendent determines the person is no longer in need of care and treatment, they may discharge the person.

A person hospitalized without a court order may request a hearing, which the district court must hold no later than the next business day.

What is the duration of the hold? No more than three days, excluding weekends and legal holidays. If the superintendent petitions for inpatient treatment the person may continue to be held until the hearing on the application (see “inpatient treatment” below).

Who decides whether to continue to a hearing? The admitting facility superintendent by filing a petition for inpatient treatment with the district court (see “inpatient treatment” below).

Is there a form? [DMH § 12 Application for Authorization of Temporary Involuntary Hospitalization](#)

Any person

How? File an application for a three-day commitment in the district court justice or a justice of the juvenile court department.

What do they initiate? Court review.

Where does the proposed patient go? The court may issue an order for the person who may need treatment to be brought before the court.

What’s the time limit for the response? There is no time limit prescribed for qualified

professional, police officer or the court's response.

What happens? The court will order the person to be examined by a physician or APRN with authority to admit individuals or by a qualified psychologist.

If the examining professional determines that the person meets the criteria, the court may order the person to be admitted to a facility.

What's next? The person is temporarily hospitalized for ongoing observation.

If during hospitalization, the superintendent determines the person is no longer in need of care and treatment, they may discharge the person.

A person hospitalized without a court order may request a hearing, which the district court must hold no later than the next business day.

What is the duration of the hold? No more than three days, excluding weekends and legal holidays. If the superintendent petitions for inpatient treatment the person may continue to be held until the hearing on the application (see "inpatient treatment" below).

Who decides whether to continue to a hearing? The admitting facility superintendent by filing a petition for inpatient treatment with the district court (see "inpatient treatment" below).

Is there a form? [Application for Three Day Commitment for Mental Illness](#)

Inpatient treatment

Criteria for inpatient treatment

All the following:

- Is currently on an emergency evaluation hold (see "emergency evaluation" above);
- is mentally ill; and
- releasing them from the facility would create a likelihood of serious harm.

Who can initiate inpatient commitment?

Only the superintendent of the facility where the person is admitted on an emergency evaluation hold. (See "emergency evaluation" above.)

Facility superintendent

How? File a petition in the district court or the division of juvenile court department in whose jurisdiction the facility is located.

Required documentation? None specified in law, however the petition form requires a specific description of evidence supporting the request.

What's next? The court schedules a commitment hearing within five days, excluding

weekends and legal holidays, unless a delay is requested by the person or their counsel, or the person waives the hearing in writing after consultation with their legal counsel.

At the hearing, the judge reviews evidence to determine whether the person meets criteria. The court has up to ten days after the hearing to make a determination.

If the hearing is waived, the court will determine whether the person meets criteria on the basis of the petition.

If the court determines the person meets criteria, it may order inpatient treatment for six months.

Who issues the treatment order? District court or juvenile court.

Who makes discharge decisions? The superintendent of the treating facility upon determination, at any time, that the person is no longer in need of inpatient care, or the justice of superior court following a hearing upon application by any person stating the person should no longer be hospitalized.

Is there a form? [Petition for Commitment Pursuant to G.L.c](#)

Inpatient treatment at Bridgewater State Hospital

Criteria for inpatient treatment

All the following:

- Is a male patient at a facility or hospital (A person may be a patient in a facility through voluntary admission, emergency evaluation [see “emergency evaluation”], or through court-ordered inpatient treatment [see “inpatient treatment”]);
- Is not a proper subject for commitment to any facility of the department of mental health; *and*
- Failure to retain them in strict custody would create a likelihood of serious harm.

Who can initiate inpatient commitment at Bridgewater State Hospital?

Only the medical director of the Bridgewater State Hospital, the commissioner of mental health, or, with the approval of the commissioner of mental health, the superintendent of a facility of which the person is a patient may initiate commitment at Bridgewater State Hospital. The process does not differ based on who initiates within this group of individuals.

Authorized individual

How? May petition the district court or the division of the juvenile court department in whose jurisdiction the facility or hospital is located.

Required documentation? None specified in law, however the petition form requires a specific description of evidence supporting the request.

What's next? The court schedules a commitment hearing within five days, excluding weekends and legal holidays, unless a delay is requested by the person or their counsel, or the person waives the hearing in writing after consultation with their legal counsel.

At the hearing, the judge reviews evidence to determine whether the person meets criteria. The court has up to ten days after the hearing to make a determination.

If the hearing is waived, the court will determine whether the person meets criteria on the basis of the petition.

If the court determines the person meets criteria, it may order inpatient treatment for six months.

If the court determines that the person does not meet criteria for admission to Bridgewater but does meet criteria for inpatient hospitalization (see “inpatient treatment” above), the court must order inpatient treatment at a facility designated by the department of mental health for six months.

Who issues the treatment order? District court or juvenile court.

Who makes discharge decisions? Discharge to another facility: The medical director of the Bridgewater state hospital upon certification that the person no longer meets criteria for Bridgewater, but meets criteria for further inpatient treatment, will request the commission to transfer the person to the lower-level facility.

Discharge from care: The medical director of the Bridgewater state hospital or the superintendent of the treating facility, if the person was transferred, upon determination, at any time, that the person is no longer in need of inpatient care, or the justice of superior court following a hearing upon application by any person stating the person should no longer be hospitalized.

Is there a form? [Petition for Commitment Pursuant to G.L.c](#)

Outpatient Treatment

Massachusetts does not have statutory authority for outpatient civil commitment/assisted outpatient treatment (AOT).