

MASSACHUSETTS: EMERGENCY EVALUATION

Mass. Gen. Laws ch. 123; See page two for key definitions

CRITERIA	Failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness.		
Who can initiate?	 Qualified Professional	 Police Officer	 Any Person
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.	Have the belief that the person meets criteria in an emergency situation.	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?	May hold or authorize the hold of the person and apply for their hospitalization.	May take the person into civil custody, transport them to a facility, and apply for their hospitalization.	Court review.
Where does the proposed patient go?	Facility (see definitions).	Facility (see definitions).	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?	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.		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's 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" on page three).		
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" on page three).		
Is there a form?	DMH § 12 Application for Authorization of Temporary Involuntary Hospitalization		Application for Three Day Commitment Form

KEY DEFINITIONS

- **“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.

CRITERIA	All the following: • Is currently on an emergency evaluation hold*; • is mentally ill; <i>and</i> • releasing them from the facility would create a likelihood of serious harm.
Who can initiate?	 Superintendent of the facility where the person is admitted on an emergency evaluation hold*
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?	<u>Petition for Commitment</u>

*See “emergency evaluation” on page one

CRITERIA	All the following: • Is a male patient at a facility or hospital*; • Is not a proper subject for commitment to any facility of the department of mental health; <i>and</i> • Failure to retain them in strict custody would create a likelihood of serious harm.
Who can initiate?	 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.
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” on page three), 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?	<u>Petition for Commitment</u>

*A person may be a patient in a facility through voluntary admission, emergency evaluation (see page one), or through court-ordered inpatient treatment (see page three).