

# HOUSE . . . . . No. 5797

---

---

## *The Commonwealth of Massachusetts*

---

HOUSE OF REPRESENTATIVES, June 11, 1992.

The committee on Human Services and Elderly Affairs, to whom was referred the petition (accompanied by bill, House, No. 2456) of Gloria L. Fox, Shirley Owens-Hicks, Alvin E. Thompson, Peter A. Vellucci and Bill Owens that qualified independent clinical social workers be authorized to perform certain forensic examinations, reports recommending that the accompanying bill (House, No. 5797) ought to pass.

For the committee,

EDWARD M. LAMBERT, JR.

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Ninety-Two.

---

AN ACT AUTHORIZING DESIGNATED LICENSED INDEPENDENT CLINICAL SOCIAL WORKERS TO PERFORM CERTAIN FORENSIC EVALUATIONS.

*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 1 of Chapter 123 of the General Laws,  
2 as appearing in the 1990 Official Edition, is hereby amended by  
3 inserting after paragraph 18 the following: —

4 Designated licensed independent clinical social worker, a  
5 licensed independent clinical social worker who is licensed  
6 pursuant to section one hundred and thirty-seven, inclusive, of  
7 chapter one hundred and twelve who is designated by and who  
8 meets qualifications required by the regulations of the  
9 Department of Mental Health, as determined by the Assistant  
10 Commissioner of Forensic Mental Health, provided that different  
11 qualifications may be established for different purposes of this  
12 chapter.

1 SECTION 2. Section 12(e) of chapter 123 of General Laws, as  
2 appearing in the 1990 Official Edition, is hereby amended by  
3 striking the third and fourth sentences and inserting in place  
4 thereof the following:

5 Following apprehension, the court shall have the person  
6 examined by a physician designated to have the authority to admit  
7 to a facility, or examined by a qualified psychologist or a  
8 designated licensed independent clinical social worker in  
9 accordance with the regulations of the department. If said  
10 physician, qualified psychologist or designated licensed  
11 independent clinical social worker reports that the failure to  
12 hospitalize the person would create a likelihood of serious harm  
13 by reason of mental illness, the court may order the person  
14 committed to a facility for a period not to exceed ten days, but  
15 the superintendent may discharge him at any time within the ten  
16 day period.

1 SECTION 3. Section 15 of said chapter 123, as so appearing,  
2 is hereby amended in line 7 by striking the period and inserting  
3 in place thereof the following: — or one or more designated  
4 licensed independent clinical social workers.

1 SECTION 4. Section 18 of said chapter 123, as so appearing  
2 is hereby amended by striking the first two sentences and inserting  
3 in place thereof the following:

4 If the person in charge of any place of detention within the  
5 commonwealth has reason to believe that a person confined  
6 therein is in need of hospitalization by reason of mental illness  
7 at a facility of the department or at the Bridgewater state hospital,  
8 he shall cause such prisoner to be examined at such place of  
9 detention by a physician or by a psychologist or licensed  
10 independent clinical social worker, designated by the department  
11 as qualified to perform such examination. Said physician,  
12 psychologist or designated licensed independent clinical social  
13 worker shall report the results of the examination to the district  
14 court which has jurisdiction over the place of detention or, if the  
15 prisoner is awaiting trial, to the court which has jurisdiction of  
16 the criminal case.

1 SECTION 5. Chapter 123, as so appearing, is hereby amended  
2 by striking section 19 and inserting in place thereof the following:

3 Section 19. In order to determine the mental condition of any  
4 party or witness before any court of the commonwealth, the  
5 presiding judge may, in his discretion, request the department to  
6 assign a qualified physician, a qualified psychologist or a  
7 designated licensed independent clinical social worker, who if  
8 assigned shall make such examinations as judge may deem  
9 necessary.

1 SECTION 6. Chapter 123, as so appearing, is hereby amended  
2 by striking section 22 and inserting in place thereof the  
3 following: —

4 Section 22. Physicians, qualified psychologists, designated  
5 licensed independent clinical social workers and police officers  
6 shall be immune from civil suits for damages for restraining,  
7 transporting, applying for the admission of or admitting any

8 person to a facility or the Bridgewater state hospital, providing  
9 said physician, qualified psychologist, designated licensed  
10 independent clinical social worker or police officer acts pursuant  
11 to the provisions of this chapter.

1 SECTION 7. Section 35 of said chapter 123, as so appearing,  
2 is hereby amended by striking the period at the end of paragraph  
3 three and inserting in place thereof the following: — or a  
4 designated licensed independent clinical social worker.