

[Similar Matter Filed During Past Session —
See Senate No. 2061 of 1984.]

SENATE No. 1030

By Mr. Reilly, a petition (accompanied by bill, Senate, No. 1030) of Martin T. Reilly for legislation relative to the non-hospitalization treatment orders for mentally ill persons. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-five.

**AN ACT RELATIVE TO THE NON-HOSPITALIZATION TREATMENT ORDERS
FOR MENTALLY ILL PERSONS.**

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 8 of chapter 123 of the General Laws is
2 hereby amended by adding the following: —

3 (g) If the court finds that an individual meets the standards
4 for commitment described in subsection (a) and that treat-
5 ment or support other than hospitalization is adequate to meet
6 the treatment needs of said individual, the court shall order
7 the department to offer whatever services other than
8 hospitalization are appropriate. If the individual elects to ac-
9 cept such services voluntarily, the petition shall be dismiss-
10 ed. If the individual refuses to accept such services, the court
11 may commit said individual to a facility as set forth in subsec-
12 tion (d).

1 SECTION 2. Section 12 of said chapter is amended by strik-
2 ing the first sentence and inserting in place thereof the
3 following: —

4 (a) Any physician who is licensed pursuant to section two
5 of chapter one hundred and twelve or a qualified psychologist
6 licensed pursuant to sections one hundred and eighteen to one
7 hundred and twenty-nine, inclusive, of said chapter one hun-
8 dred and twelve, after examining a person has reason to
9 believe that, as a result of the person's unwillingness to ac-
10 cept treatment or otherwise, failure to hospitalize such per-
11 son would create a likelihood of serious harm by reason of

12 mental illness, may restrain or authorize the restraint of such
13 person and apply for the hospitalization of such person for a
14 ten-day period at a public facility or a private facility authoriz-
15 ed for such purposes by the department.

1 SECTION 3. Section 12 of said chapter is hereby further
2 amended in subsection (e) by striking the fourth sentence and
3 inserting in place thereof the following: —

4 If said physician reports that the person has substantially
5 deteriorated to the extent that a failure to provide appropriate
6 services would create a likelihood of serious harm by reason
7 of mental illness, the court shall order the department to of-
8 fer whatever services are appropriate. If the individual elects
9 to accept such services voluntarily, the application shall be
10 dismissed. If the individual refuses to accept such services,
11 the court may order the person committed to a facility for a
12 period not to exceed ten days, but the superintendent may
13 discharge him at any time within the ten-day period.