

By Mr. Lambert of Fall River, petition of Edward M. Lambert, Jr., for legislation to authorize designated social workers to perform certain forensic evaluations. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING DESIGNATED 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, as
2 appearing in the 1992 Official Edition, is hereby amended by
3 inserting after the definition of "Dependent funds" the following
4 definition:—

5 "Designated social worker", a licensed independent clinical
6 social worker who is licensed pursuant to sections one hundred and
7 thirty to one hundred and thirty-seven, inclusive, of chapter one
8 hundred and twelve, and who is further designated by and meets
9 qualifications required by the regulations of the department of
10 mental health, as determined by the assistant commissioner of
11 forensic mental health; provided, however, that different qualifica-
12 tions may be established for different purposes of this chapter. A
13 designated social worker need not be an employee of the depart-
14 ment or of any facility of the department.

1 SECTION 2. Paragraph (a) of section 18 of said chapter 123, as
2 so appearing, is hereby amended by striking out the first and second
3 sentences and inserting in place thereof the following two
4 sentences:— If the person in charge of any place of detention
5 within the commonwealth has reason to believe that a person con-
6 fined therein is in need of hospitalization by reason of mental
7 illness at a facility of the department or at the Bridgewater state
8 hospital, he shall cause such prisoner to be examined at such place
9 of detention by a physician, psychologist or licensed independent

10 clinical social worker, designated by the department as qualified to
11 perform such examination. Said physician, psychologist, or desig-
12 nated social worker shall report the results of the examination to the
13 district court which has jurisdiction over the place of detention or, if
14 the prisoner is awaiting trial, to the court which has jurisdiction of
15 the criminal case.

1 SECTION 3. Said section 18 of said chapter 123, as so appearing,
2 is hereby further amended by inserting after the word “psycholo-
3 gist”, in lines 18 and 19, the following words:— or licensed inde-
4 pendent clinical social worker.

1 SECTION 4. Said chapter 123 is hereby further amended by
2 striking out section 19, as so appearing, and inserting in place
3 thereof the following section:—

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

1 SECTION 5. Said chapter 123 is hereby further amended by
2 striking out section 22, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 22. Physicians, qualified psychologists, designated social
5 workers and police officers shall be immune from civil suits for
6 damages for restraining, transporting, applying for the admission of
7 or admitting any person to a facility or the Bridgewater state hos-
8 pital, providing said physician, qualified psychologist, designated
9 social worker or police officer acts pursuant to the provisions of this
10 chapter.

1 SECTION 6. Section 35 of said chapter 123, as so appearing,
2 is hereby amended by inserting after the word “psychologist”, in
3 line 56, the following words:— or a designated social worker.