

An Act Ending Unnecessary Hospitalizations

H.2199 | Rep. Marjorie Decker

The Problem

Each year, thousands of Massachusetts residents in mental health crisis are involuntarily detained under **Section 12(a) of Chapter 123** and transported to hospital emergency departments (EDs).

What was intended as a short-term measure for psychiatric evaluation has instead led to:

- Days or even weeks of **emergency room boarding**
- Limited access to appropriate care
- Increased trauma and stigma for individuals
- Increased strain on hospital systems

The Solution

This legislation requires that **clinicians and police officers** consider and use **less restrictive alternatives** before initiating an involuntary hold. If the individual is **eligible and consents**, they must be transported to a community setting instead of being hospitalized.

Recognized Community Alternatives:

- **Mobile Crisis Intervention**
- **Behavioral Health Urgent Care**
- **Community Crisis Stabilization**
- **Peer-Run Programs and Respite**
- **988**
- **Behavioral Health Helpline**

If no appropriate alternative exists, involuntary hospitalization may proceed only **with documented justification**.

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Key Provisions of the Bill

- **Mandatory Screening for Alternatives:** Section 12 can only be used after ruling out community alternatives.
- **Required Documentation:** Providers must record which alternatives were considered and why they were deemed inappropriate.
- **Statewide Data Collection:** The **Department of Mental Health (DMH)** will collect and report:
 - Number of Section 12 applications
 - Age, race, gender identity, insurance status, diagnosis
 - Actions taken in response to data (including licensing reviews)

Bottom Line

This bill ensures that **involuntary hospitalization is truly a last resort**—and that people in crisis can receive the right care, in the right place, at the right time.

Why This Matters

This legislation supports a more **person-centered and equitable** mental health system by:

- Reducing harmful and unnecessary ED boarding
- Helping people access the right level of care
- Ensuring crisis response matches individual needs
- Increasing accountability and identifying disparities
- Building on the **2023 Roadmap for Behavioral Health Reform**, which expanded access to services “when and where people need it”



Center for Public Representation

The logo for MHLAC (Massachusetts Hospital Law and Practice Act). It features the text "MHLAC" in a bold, white font, centered within a dark blue rectangular box.