

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”