



MaMHCA

Massachusetts Mental Health Counselors Association

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An Act Relative to Expanding Access and Safety of Mental Health Services (HB 1601 and SB 1108)

Lead Sponsors:

Representative Josh Cutler

Senator Joan Lovely

Legislative History:

LMHCs have been licensed since 1987, mandated behavioral health providers since 1996 and were named as core providers in Massachusetts Mental Health Parity Law in 2000. LMHC scope of practice is a full scope of practice including the assessment, diagnosis and treatment of all mental health and substance use disorders, with the exception of medication prescription privileges and hospitalization assessment privileges. Testimonial privilege was legislated in 2008.

What This Legislation Does:

This legislation allows for the protection of consumers of mental health services and the protection of Licensed Mental Health Counselors (LMHCs) wherein a consumer of mental health services is deemed by the Licensed Mental Health Counselor to be in imminent danger of causing harm to themselves or others, thus to warrant assessment for hospitalization of the consumer for a period of 3 days, pending a secondary assessment from the referred hospital assessor. Under MGL Chapter 123 section 12 and 35, authorized professionals include physicians, psychologists, psychiatric nurse mental health clinical specialists, Licensed Independent Clinical Social Workers and police officers. These professionals have the authority to issue a "Section 12" for safety and a "Section 35" for substance abuse.

This legislation would add LMHCs to the Massachusetts General Law by updating Chapter 123 Section 12 and 35, but also 22 joining the above listed professionals with immunity from civil suits resulting in the utilization of a "Section 12 or 35".

Why This Legislation Is Needed:

The legislation is needed to protect the safety of the behavioral health services consumer, the community and the LMHC working directly in a contracted therapeutic relationship with the consumer.

LMHCs are master's level clinicians trained to assess, diagnose and treat when clients are a danger to themselves or others. Currently, LMHCs must have their assessment of a client in acute mental distress approved by a physician, psychologist, psychiatric nurse practitioner, LICSW or police officer in order for the patient to receive the emergency treatment they need, which can dangerously delay treatment in what can be life threatening situations. Currently there are over 6,000 LMHCs working independently in private practice, mental health agencies, hospitals, day treatment centers and state departments with a full scope of practice working in all communities throughout the Commonwealth, seeing the same clientele as those professionals already listed under Chapter 123 Section 12 and 35. However, under the current law, LMHCs having the same abilities, cannot utilize

the same safety measures comparable professionals can use, leaving consumers, individuals, practitioners, communities and the businesses they work for in jeopardy.

Cost:

There is no cost associated with this legislation.

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