

Section 12 Privileges for LMHCs

Increasing Access and Safety of Mental Health Services To Consumer, Professionals and the Public

On January 20th, 2015, Representative Rep. Josh Cutler (D-Duxbury), Jay Barrows (R-Foxboro), Tom Calter (D-Kingston), Jim Cantwell (D-Marshfield), Marjorie Decker (D-Cambridge), Joseph McKenna (R-Webster) and Denise Provost (D-Somerville) introduced H 1787 “An Act Relative to Expanding Access and Safety of Mental Health Services.”

This legislation would allow LMHCs to be able to utilize Chapter 123 Section 12 abilities. This law provides identified professionals as being able to assess their clients for immediate safety risks to themselves or others and allows the professional to recommend the client to be hospitalized for up to three days. Currently, LMHCs are the only profession with a full scope of practice and ability to practice independently that cannot provide these necessary safety precautions as a service to our clients.

WHY DO WE NEED TO INCREASE ACCESS AND SAFETY OF MENTAL HEALTH SERVICES?

SAFETY SHOULD BE PARAMOUNT TO CLIENTS SEEKING MENTAL HEALTH SERVICES

Suicide rates have increased 4.2% over the past 10 years. The opioid crisis and accidental deaths are also front page news. LMHCs treat individuals with these diagnoses which typically are populations at higher risk. Safety remains part of the treatment processes, but is difficult to ensure especially if their treatment is being conducted by a professional who currently has the capacity to assess the client’s individual risk, but doesn’t have the statutory authority to assist them in a rapid manner.

LMHCS AND OTHER SIMILARLY TRAINED PROFESSIONALS HAVE THE SAME SCOPE OF PRACTICE

LMHCs, Social Workers, Psychiatrists and Psychiatric Nurse Practitioners all have the same scope of practice as it relates to being independently licensed with the ability to assess a client’s condition, diagnose and treat all psychiatric disorders. In most cases, a mix of any one of these professions works, or has a working practice with any number of these licenses. However, a significant difference between them is that all but LMHCs have the ability to utilize sectioning abilities to protect their clients.

EXPANDING WHO CAN USE SECTION 12 WOULD EXPAND OVERALL SAFETY IN THE COMMONWEALTH

By allowing LMHCs to be able to utilize Section 12 abilities more individuals would get the immediate safety treatment needed to get their clients and community the most comprehensive care for clients at their most desperate time. Section 12 would allow immediate assessment and hospitalization to clients, who under current law, would have to call either their doctor, group practice member or police to take time and make an assessment based on the LMHCs assessment and then wait for the transport. As the law is written, much needed time can be wasted which could escalate a situation to a dangerous point before an “authorized” professional can come and complete the section 12 assessment.

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THERE IS NO COST TO THE COMMONWEALTH

This legislation simply adds LMHCs, who are qualified under CMR 262 to practice independently, with all individuals and diagnoses, to the list of providers who can use sectioning abilities. As LMHCs we can already petition our clients for assessment and often do. This bill would simply allow the process to occur more rapidly for the benefit of the client, professional and community. It would save much needed time to ensure safety. It would not add financial burden to the commonwealth.

THE MENTAL HEALTH COMMUNITY AND LEGISLATORS SUPPORT THIS CHANGE

The Massachusetts Mental Health Counselors Association, National Association for Social Workers of Massachusetts and the Massachusetts Psychological Association along with bipartisan legislative support and a number of other co-sponsors all believe this is a good bill for the commonwealth. Our collaborative effort to see that mental health in Massachusetts is taken seriously and provided for in a complete and comprehensive way is our first priority and we all agree that this bill is a step closer to that.

LEAD SPONSOR

Josh Cutler (D – Duxbury)

COSPONSORS

Jay Barrows (R - Foxboro)

Dave DeCoste (R - Norwell)

Tom Calter (D - Kingston)

Smitty Pignatelli (D - Lenox)

Jim Cantwell (D - Marshfield),

Chris Walsh (D - Framingham)

Marjorie Decker (D – Cambridge)

Colleen Garry (D - Dracut)

Joseph McKenna (R - Webster)

Randy Hunt (R - East Sandwich)

Denise Provost (D - Somerville)

Geoff Diehl (R - Whitman)

Dave Viera (R - East Falmouth)

SUPPORTING ORGANIZATIONS

Massachusetts Mental Health Counselors Association

(MaMHCA)

Massachusetts Psychological Association

(MPA)

National Association of Social Workers- MA

(NASW-MA)