

104 CMR 25.00: AUTHORITY, VISION, MISSION, DEFINITIONS, AND COMPUTATION OF TIME

Section

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25.01: Authority, Vision and Mission:

- (1) The Department is the mental health authority in Massachusetts. It is mandated by M.G.L. c. 19 to take cognizance of all matters affecting the mental health of the citizens of the state. Its primary mission is to provide for early and ongoing treatment and services to adults with serious and persistent mental illness and children with serious mental illness or severe emotional disturbance and their families, and research into the causes of mental illness. Pursuant to M.G.L. c. 19 and c. 123, it is authorized and required to:
- (a) develop and maintain a comprehensive program of community mental health services, including forensic mental health services;
 - (b) operate, control and supervise, directly or by contract, all facilities and programs developed and maintained by the Department as part of the comprehensive program;
 - (c) maintain state hospitals and other regional and statewide mental health facilities and services; and
 - (d) license or regulate private, county and municipal facilities and programs providing care and treatment to persons with mental illness.

(2) Vision and Mission Statements

The Department shall, in consultation with stakeholders, establish and periodically review its Vision and Mission Statements. The Vision and Mission Statements shall guide the Department as it carries out its statutory responsibilities.

25.02: Definitions

The following terms shall have the following meanings throughout 104 CMR, unless the context clearly provides otherwise or a different meaning is assigned within a particular chapter of the regulations. Definitions applicable only to a particular chapter are found within the chapter. The intent and meaning of all words, phrases and provisions of the regulations within 104 CMR shall be solely within the authority of the Department of Mental Health, unless otherwise required by law.

Adult. Any person who has attained 18 years of age.

Area. The geographic subdivision within the state that is responsible for providing access to comprehensive mental health services for individuals within its boundaries.

Area Director. The individual with responsibility for the administration and operation of the Department's activities within an area.

Area Office. The principal administrative office within each area.

Commissioner. The Commissioner of the Department of Mental Health.

Department. The Department of Mental Health.

Department Facility. A facility designated as a facility under the control of the Department pursuant to 104 CMR 26.02: *Designation of Departmental Facilities*.

Facility. A Department-operated hospital, community mental health center with inpatient unit, or psychiatric unit within a public health hospital; a Department-licensed psychiatric hospital; a Department-licensed psychiatric unit within a general hospital; or an intensive residential treatment program for adolescents that is either designated as a facility under the control of the Department or licensed by the Department.

Facility Director or Director of a Facility. The superintendent, chief operating officer, or other head of a facility, who may petition the district or juvenile court for commitment pursuant to M.G.L. c. 123, and who may take such other action as is authorized or required of the superintendent pursuant to M.G.L. c. 123.

Form shall include both paper and electronic versions. Whenever any documentation under 104 CMR is required to be on a form approved by the Department or the Commissioner, an electronic version of such form containing all required information may be utilized.

Incapable. An individual who has not been adjudicated as incapacitated, but who is believed to be incapable of making informed decisions.

Legally Authorized Representative (LAR). A guardian, representative payee, or other fiduciary including a healthcare agent acting pursuant to and under a properly invoked healthcare proxy, or, in the case of a minor, the parent(s) or other individual or entity with legal custody of the minor. The authority of a LAR is limited to the scope of such LAR's appointment or designation.

Minor. Any person younger than 18 years old.

Program or Mental Health Program. Community-based mental health programs or services licensed, contracted for, or operated by the Department.

Program Director. The person with day-to-day responsibility for the mental health program.

25.03: Emancipated and Mature Minors

Throughout 104 CMR, there are instances where the rights of emancipated or mature minors may be relevant. The regulations do not attempt to identify them. However, where, by operation of law pursuant to M.G.L. c. 112, §§ 12E or 12F, a minor is an emancipated minor entitled to consent to drug or medical or dental treatment and has the capacity to do so, he or she shall be entitled to consent in the same manner as an adult. Further, a facility or program may determine, pursuant to applicable Massachusetts law, that a minor is a mature minor and is therefore able to provide consent to treatment and may decide, in certain circumstances, not to notify the parents. Such determinations should be made by facilities and programs in consultation with their legal counsel.

25.04: Computation of Time

Unless otherwise specified, when a period of time for an action or event is specified with 104 CMR, the computation of such time shall be in accordance with the following:

- (1) the day on which action or event is initiated is not counted;
- (2) when the time period is less than seven calendar days, Saturdays, Sundays, and legal holidays are not counted;
- (3) when the time period is seven calendar days or longer, the time is counted in calendar days, except when the last day is a Saturday, Sunday, or legal holiday, in which case the final day counted is the next business day.

REGULATORY AUTHORITY

104 CMR 25.00: M.G.L. c. 19, § 1 and 18; c. 123, § 2.

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