



The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Mental Health

25 Staniford Street

Boston, Massachusetts 02114-2575

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

BROOKE DOYLE
Commissioner

(617) 626-8000
www.mass.gov/dmh

**DEPARTMENT OF MENTAL HEALTH
DIVISION OF CLINICAL AND PROFESSIONAL SERVICES
LICENSING DIVISION – BULLETIN #25-01**

**Designated Physician and Qualified APRN Authority to Admit, 104 CMR 33.02
May 13, 2025**

Interpretation of 104 C.M.R. § 33.02(1)(b)(2) and § 33.02(1)(c)(2)

This Bulletin is issued by the Department of Mental Health (DMH) pursuant to G. L. c. 123, §§ 2 and 12, and 104 C.M.R. 33.00.

G.L. c. 123, § 12(b), provides in relevant part that “Only if application for hospitalization under [G.L. c. 123, § 12] is made by a physician or a qualified advanced practice registered nurse specifically *designated to have the authority to admit to a facility in accordance with the regulations of the department*, shall such person be admitted to the facility immediately after reception. If the application is made by someone other than a designated physician or a qualified advanced practice registered nurse such person shall be given a psychiatric examination by a designated physician or a qualified advanced practice registered nurse immediately after reception at such facility. If the physician or a qualified advanced practice registered nurse determines that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness, the physician or qualified advanced practice registered nurse may admit such person to the facility for care and treatment. . . .” (emphasis supplied).

Pursuant to authority granted by G.L. c. 123, §§ 2 and 12(b), the Department of Mental Health (DMH) promulgated 104 C.M.R. 33.02, to establish standards for designation of physician and qualified advanced practice registered nurse (Qualified APRN) for the purposes of authorizing admissions pursuant to G.L. c. 123, § 12(b). For purposes of 104 C.M.R. § 33.02(1)(b)(2) and § 33.02(1)(c)(2), the Department interprets the phrase “privileged to admit to the facility” to mean either that: (i) the Designated Physician or Qualified APRN has been granted independent admitting privileges by the facility; or, (ii) the Designated Physician or Qualified APRN does not have independent admitting privileges but is authorized by the governing documents of the facility’s medical/professional staff to write inpatient admission orders. This interpretation of 104 C.M.R. § 33.02(1)(b)(2) and § 33.02(1)(c)(2) does not otherwise modify the requirements of 104 C.M.R. 33.02, and extends to any physician or APRN granted a waiver, at the Commissioner’s discretion, under subsection 104 C.M.R. § 33.02(1)(f) of qualification requirements set forth in 104 C.M.R. 33.02(1)(b)(1) and § 33.02(1)(c)(1).

Questions regarding this bulletin should be directed to the DMH Licensing Division at 617-626-8117 or by email to Teresa.J.Reynolds@mass.gov