

# Section 35 – Standards for Medical Review and Sharing Clinical Information

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MASSACHUSETTS  
**Health & Hospital**  
ASSOCIATION

# Section 35 Petition Process

- Section 35:
  - a spouse, immediate family member, police officer, physician, or court official who believes that an individual has (1) an alcohol or substance use disorder, and (2) is at risk of serious harm to themselves or others may file a petition for civil commitment.
- Steps
  - Petitions filed in District, Boston Municipal, or Juvenile Courts
  - ***Petitioner provides detailed information to Court***
  - Judge will review the petition to issue a summons or warrant
  - Court clinician evaluates the respondent
  - Judge makes a decision on the petition based on the testimony and reviewing the clinical assessment and any evidence presented

# Standardize Forms for Release of Clinical Information to Court Clinicians

- MHA, working with representative group of providers, developed the following:
  - Affidavit letter issued by a physician that outlines the clinical support for the Section 35 petition
    - The letter would be attached to the “Affidavit in Support of Petition for Commitment under G.L.c.123, section 35”
  - Checklist that would be used by the clinicians to know what information should be included in the letter as well as supporting clinical documentation to attach with the letter
  - Privacy Memo that outlines the federal and state legal protections that allow such disclosures to the court
    - Issued by MHA’s outside counsel Dave Szabo from Locke Lord

# Criteria for Release of Medical Information

- MHA and DMH will coordinate to pilot the forms with specific courts to:
  - Work through process for actual release (issuance of the medical information from the provider to the court in an appropriate manner);
  - Ensure that the clinical information outlined in the documents is sufficient, or if additional information is needed to assist with care coordination at placement (post-hearing); and
  - Identify any potential gaps in the process.

# Guidance to Providers/Petitioners about filing the Section 35 with Medical Information

- MHA to coordinate with the Trial Courts and DMH to host a statewide educational webinar for providers to:
  - Review the forms and process that should be followed;
  - Provide information on the court process and patient medical conditions when considering to file a petition;
  - Discuss best practices based on the pilot program;
  - Record the session for new staff to ensure continuous understanding of the new standardized process