



*An Announcement from the
Massachusetts Department of Mental Health*



**DEPARTMENT OF MENTAL HEALTH
NOTICE OF PROPOSED REGULATIONS
AND COMMENT PERIOD**

The Department of Mental Health’s comment period on amendments to the following regulations will be published in the Massachusetts Register on February 2, 2024:

The proposed regulations are posted on the DMH website and can be viewed at:
<https://www.mass.gov/service-details/dmh-proposed-regulations>.

[104 CMR 33.00 Designation and Appointment of Qualified Mental Health Professionals](#)

The Department of Mental Health is proposing an amendment to regulation 104 CMR 33.00 (104 CMR 33.03(20)) to implement recent amendment to GL. ch. 123 §18(a), inserting new §18(a)1/2, which permits the Court to transfer incarcerated individuals to facilities of the Department of Mental Health or to Bridgewater State Hospital under specified circumstances. The Trial Court has issued a form order for such transfers that requires a “qualified advanced practice registered nurse, physician, or psychologist” to examine the individual and report to the Court in writing their opinion, supported by clinical findings. Pursuant to GL. ch 123 §1, “qualified” clinicians are those who are “designated by and meet qualifications required by the regulations of” DMH. The proposed regulation establishes the process for such designation and sets qualifications for clinicians authorized to perform the 18(a)1/2 evaluations ordered by the Court.

COMMENT PERIOD

A Comment Period will be held by the Department, ending on February 23, 2024, at 5:00 p.m. The [Notice of Comment Period](#) includes a link for obtaining a copy of the proposed amendments and instructions for submitting comments by the deadline.

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