

HOUSE No. 3459

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for efficient access to mental health services.

PETITION OF:

NAME:

Marjorie C. Decker

DISTRICT/ADDRESS:

25th Middlesex

HOUSE No. 3459

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3459) of Marjorie C. Decker for legislation to increase access to treatment for behavioral health disorders. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act providing for efficient access to mental health services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after
2 section 17K the following section:-

3 SECTION 17L. (a) For purposes of this section, “behavioral health treatment” shall mean
4 counseling and treatment programs, including applied behavior analysis that are necessary to
5 develop or restore, to the maximum extent practicable, the functioning of an individual.

6 (b) Any coverage offered by the commission for behavioral health treatment to an active
7 or retired employee of the commonwealth insured under the group insurance commission shall
8 continue to cover payment for an existing patient receiving such treatment until such treatment is
9 no longer medically necessary, regardless of the non-renewal of any contract the commission has
10 with a provider of such treatment. Such continued coverage shall be consistent with terms of the
11 coverage or contract in place at the time of non-renewal and the usual and customary utilization
12 management processes.

13 (c) This section shall not prohibit a provider of behavioral health treatment from
14 collecting any portion of a deductible for treatment rendered.

15 (d) The commission shall give no fewer than 180 days notice to providers of behavioral
16 health treatment of any decision to not renew a contract with that provider.

17 (e) The commissioner shall show cause for not renewing a contract for the provision of
18 behavioral health treatment and shall demonstrate that any lawful communication concerning
19 regulations and statutes that impact service delivery is not a factor in said non-renewal.

20 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
21 section 47DD the following section:-

22 Section 47EE. (a) For purposes of this section, “behavioral health treatment” shall mean
23 counseling and treatment programs, including applied behavior analysis that are necessary to
24 develop or restore, to the maximum extent practicable, the functioning of an individual.

25 (b) Any individual policy of accident and sickness insurance issued pursuant to section
26 108 and any group blanket policy of accident and sickness insurance issued pursuant to section
27 110 that is delivered, issued or renewed within or without the commonwealth that provides
28 coverage for behavioral health treatment shall continue to cover payment for an existing patient
29 receiving such treatment until such treatment is no longer medically necessary, regardless of the
30 non-renewal of any contract with a provider of such treatment. Such continued coverage shall be
31 consistent with terms of the policy, contract, agreement, plan or certificate of insurance in place
32 at the time of non-renewal and the usual and customary utilization management processes.

33 (c) This section shall not prohibit a provider of behavioral health treatment from
34 collecting any portion of a deductible for treatment rendered.

35 (d) Any policy shall give no fewer than 180 days notice to providers of behavioral health
36 treatment of any decision to not renew a contract with that provider.

37 (e) The policy shall show cause for not renewing a contract for the provision of
38 behavioral health treatment and shall demonstrate that any lawful communication concerning
39 regulations and statutes that impact service delivery is not a factor in said non-renewal.

40 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
41 section 8FF the following section:-

42 Section 8GG. (a) For purposes of this section, “behavioral health treatment” shall mean
43 counseling and treatment programs, including applied behavior analysis that are necessary to
44 develop or restore, to the maximum extent practicable, the functioning of an individual.

45 (b) Any contract between a subscriber and the corporation under an individual or group
46 hospital service plan which is delivered, issued or renewed within the commonwealth that
47 provides coverage for behavioral health treatment shall continue to cover payment for an existing
48 patient receiving such treatment until such treatment is no longer medically necessary, regardless
49 of the non-renewal of any contract a corporation has with a provider of such treatment. Such
50 continued coverage shall be consistent with terms of the contract in place at the time of non-
51 renewal and the usual and customary utilization management processes.

52 (c) This section shall not prohibit a provider of behavioral health treatment from
53 collecting any portion of a deductible for treatment rendered.

54 (d) The corporation shall give no fewer than 180 days notice to providers of behavioral
55 health treatment of any decision to not renew a contract with that provider.

56 (e) The corporation shall show cause for not renewing a contract for the provision of
57 behavioral health treatment and shall demonstrate that any lawful communication concerning
58 regulations and statutes that impact service delivery is not a factor in said non-renewal.

59 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
60 section 4FF the following section:-

61 Section 4GG. (a) For purposes of this section, “behavioral health treatment” shall mean
62 counseling and treatment programs, including applied behavior analysis that are necessary to
63 develop or restore, to the maximum extent practicable, the functioning of an individual.

64 (b) Any subscription certificate under an individual or group medical service agreement
65 delivered, issued or renewed within the commonwealth that provides coverage for behavioral
66 health treatment shall continue to cover payment for an existing patient receiving such treatment
67 until such treatment is no longer medically necessary, regardless of the non-renewal of any
68 contract a medical service corporation has with the provider of such treatment. Such continued
69 coverage shall be consistent with terms of the certificate or agreement in place at the time of
70 non-renewal and the usual and customary utilization management processes.

71 (c) This section shall not prohibit a provider of behavioral health treatment from
72 collecting any portion of a deductible for treatment rendered.

73 (d) A medical service corporation shall give no fewer than 180 days notice to providers
74 of behavioral health treatment of any decision to not renew a contract with that provider.

75 (e) A medical service corporation shall show cause for not renewing a contract for the
76 provision of behavioral health treatment and shall demonstrate that any lawful communication
77 concerning regulations and statutes that impact service delivery is not a factor in said non-
78 renewal.

79 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
80 section 4X the following section:-

81 Section 4Y. (a) For purposes of this section, “behavioral health treatment” shall mean
82 counseling and treatment programs, including applied behavior analysis that are necessary to
83 develop or restore, to the maximum extent practicable, the functioning of an individual.

84 (b) Any individual or group health maintenance contract that provides coverage for
85 behavioral health treatment shall continue to cover payment for an existing patient receiving
86 such treatment until such treatment is no longer medically necessary, regardless of the non-
87 renewal of any contract a health maintenance organization has with a provider of such treatment.
88 Such continued coverage shall be consistent with terms of the contract in place at the time of
89 non-renewal and the usual and customary utilization management processes.

90 (c) This section shall not prohibit a provider of behavioral health treatment from
91 collecting any portion of a deductible for treatment rendered.

92 (d) A health maintenance organization shall give no fewer than 180 days notice to
93 providers of behavioral health treatment of any decision to not renew a contract with that
94 provider.

95 (e) A health maintenance organization shall show cause for not renewing a contract for
96 the provision of behavioral health treatment and shall demonstrate that any lawful
97 communication concerning regulations and statutes that impact service delivery is not a factor in
98 said non-renewal.

99 SECTION 6. Sections 1 to 5, inclusive, shall apply to all policies, contracts and
100 certificates of health insurance subject to section 17L of chapter 32A, section 47EE of chapter
101 175, section 8GG of chapter 176A, section 4GG of chapter 176B and section 4Y of chapter 176G
102 of the General Laws which are delivered, issued or renewed on or after the effective date of this
103 act.