

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act to ensure adequate access to behavioral health care 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. There is hereby established an advisory committee for the purpose of
2 arranging for and evaluating an independent analysis of the public and private behavioral health
3 care services available to the residents of the commonwealth.

4 The advisory committee shall consist of the chairs of the house and senate committees on
5 ways and means, the joint committee on health care financing, the joint committee on mental
6 health and substance abuse, or their designees, one member of the minority party to be appointed
7 by the minority leader of the house of representatives, one member of the minority party to be
8 appointed by the minority leader of the senate; and the secretary of health and human services,
9 the commissioner of mental health, the commissioner of public health, the commissioner of
10 insurance, and the director of Medicaid, or their designees; and one representative from each of
11 the following organizations: the Association for Behavioral Healthcare; the Massachusetts
12 Association of Behavioral Health Systems; the Massachusetts College of Emergency Physicians;
13 the Massachusetts Hospital Association; the Massachusetts League of Community Health
14 Centers; the Massachusetts Medical Society; the Massachusetts Psychiatric Society; the
15 Massachusetts Nurses Association; the Service Employees International Union; Blue Cross Blue
16 Shield of Massachusetts; the Massachusetts Association of Health Plans; Health Law Advocates;
17 the National Alliance on Mental Illness of Massachusetts; and the Massachusetts Society for the
18 Prevention of Cruelty to Children. The advisory committee shall be co-chaired by one advisory
19 committee senate member designated by the senate president and one advisory committee house
20 member designated by the speaker of the house of representatives.

21 The advisory committee shall subject to appropriation and upon the appointment of the
22 co-chairs, (1) convene upon the call of the co-chairs to commission an independent consultant to
23 evaluate and analyze the public and private behavioral health care services available to the
24 residents of the commonwealth. The advisory committee shall advise, direct and consult with the

25 independent consultant on the execution and completion of the analysis. The analysis shall
26 include, but not be limited to, an account of the following: (a) the availability of inpatient and
27 outpatient behavioral health care services, including community based supports; (b) the inpatient
28 capacity of acute and continuing care beds at public and private psychiatric facilities, including
29 overall bed availability and bed availability for co-morbid and difficult to place patients, average
30 length of stay, and geographic location; (c) the connection between public and private behavioral
31 health care services; (d) the payment and reimbursement of behavioral health care services; (e)
32 the implementation of state and federal mental health parity laws; (f) the prior authorization and
33 adverse determination requirements related to the coverage of behavioral health care services; (g)
34 the boarding of behavioral health patients in hospital emergency departments; (h) the use of
35 direct admissions to inpatient behavioral health care services from a community based setting;
36 and (i) a review of the Massachusetts Emergency Services Program; and (2) convene upon the
37 call of the co-chairs to: (a) advise and consult with the independent consultant on the completion
38 and implementation of the analysis; and (b) review and make recommendations to the
39 independent consultant on the preliminary findings of the analysis.

40 The independent consultant shall report to the general court the preliminary results of its
41 analysis by filing the same with the clerk of the house of representatives and the clerk of the
42 senate on or before April 30, 2013. The independent consultant shall report to the general court
43 the final results of its analysis by filing the same with the clerk of the house of representatives
44 and the clerk of the senate on or before November 15, 2013. The advisory committee shall file its
45 recommendations based on the final report of the independent consultant with the clerk of the
46 house of representatives and the clerk of the senate on or before December 31, 2013.