

SENATE No. 475

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

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 regarding adverse determinations for mental health and substance abuse treatment.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Steven A. Tolman

Gale D. Candaras

SENATE No. 475

By Mr. Tolman, a petition (accompanied by bill, Senate, No. 475) of Steven A. Tolman and Gale D. Candaras for legislation relative to adverse determinations for mental health and substance abuse treatment. Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regarding adverse determinations for mental health and substance abuse treatment.

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. Section 12 of chapter 176O of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting after the word “provider”, in line 20, the
3 following words: “provided, however, that in making an adverse determination for mental health
4 or substance abuse treatment, the carrier or its designated utilization review organization shall
5 defer to the judgment of the treating clinician unless there is a preponderance of evidence that the
6 requested admission, continued stay or other health care service does not meet the requirements
7 for coverage based on medical necessity, appropriateness of health care setting and level of care,
8 or effectiveness.”