

HOUSE No. 1949

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act providing for linguistically appropriate 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. Section 22 of chapter 32A of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
3 thereof the following three subsections:-

4 (j) The commission shall provide for linguistically appropriate mental health benefits.
5 The commission shall make every effort to include in its network licensed mental health
6 professionals who are qualified to provide linguistically appropriate mental health benefits. In
7 instances where there are no qualified licensed mental health professionals within the network,
8 the commission or the insured shall arrange for such benefits with a qualified mental health
9 professional outside the network, to be reimbursed at the same benefit level. If there are no
10 qualified licensed mental health professionals either in the network or out of network, the
11 commission shall provide documentation to the department of mental health that good faith
12 efforts were made to locate a provider within the same geographic area.

13 (k) For the purposes of this section, “licensed mental health professional” shall mean a
14 licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a

licensed independent clinical social worker, a licensed mental health counselor or a licensed nurse mental health clinical specialist, and “linguistically appropriate mental health benefits” shall mean mental health benefits that are provided in the primary or preferred language of the patient, for the purpose of effective communication and treatment outcomes.

(l) The commission shall, under chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be necessary to carry out this section. The regulations shall include standards for qualified licensed mental health professionals.

SECTION 2. Section 47B of chapter 175 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the last two paragraphs and inserting in place thereof the following four subsections:-

(j) Any such policy shall provide for linguistically appropriate mental health benefits. An insurer shall make every effort to include in its network licensed mental health professionals who are qualified to provide linguistically appropriate mental health benefits. In instances where there are no qualified licensed mental health professionals within the network, the insurer or the insured shall arrange for such benefits with a qualified mental health professional outside the network, to be reimbursed at the same benefit level. If there are no qualified licensed mental health professionals either in the network or out of network, the insurer shall provide documentation to the department of mental health that good faith efforts were made to locate a provider within the same geographic area.

(k) For the purposes of this section, a “licensed mental health professional” shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor or a licensed

nurse mental health clinical specialist, and “linguistically appropriate mental health benefits” shall mean mental health benefits that are provided in the primary or preferred language of the patient, for the purpose of effective communication and treatment outcomes.

(l) For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as medical benefits and shall be covered in a manner identical to all other medical services.

(m) The department of mental health, in consultation with the division of insurance shall, under chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be necessary to carry out this section. The regulations shall include standards for qualified licensed mental health professionals.

SECTION 3. Section 8A of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out the last two paragraphs and inserting in place thereof the following four subsections:-

(j) Any such contract shall provide linguistically appropriate mental health benefits. A non-profit hospital service corporation shall make every effort to include in its network licensed mental health professionals who are qualified to provide linguistically appropriate mental health benefits. In instances where there are no qualified licensed mental health professionals within the network, a non-profit hospital service corporation or the subscriber shall arrange for such benefits with a qualified mental health professional outside the network, to be reimbursed at the same benefit level. If there are no qualified licensed mental health professionals either in the network or out of network, the non-profit hospital service corporation shall provide

documentation to the department of mental health that good faith efforts were made to locate a provider within the same geographic area.

(k) For the purposes of this section, a “licensed mental health professional” shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor or a licensed nurse mental health clinical specialist, and “linguistically appropriate mental health benefits” shall mean mental health benefits that are provided in the primary or preferred language of the patient, for the purpose of effective communication and treatment outcomes.

(l) For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as medical benefits and shall be covered in a manner identical to all other medical services.

(m) The department of mental health, in consultation with the division of insurance shall, under chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be necessary to carry out this section. The regulations shall include standards for qualified licensed mental health professionals.

SECTION 4. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out the last two paragraphs and inserting in place thereof the following four subsections:-

(j) Any such contract shall provide linguistically appropriate mental health benefits. A non-profit medical service corporation shall make every effort to include in its network licensed mental health professionals who are qualified to provide linguistically appropriate mental health benefits. In instances where there are no qualified licensed mental health professionals within the

network, a non-profit medical service corporation or the subscriber shall arrange for such benefits with a qualified mental health professional outside its network, to be reimbursed at the same benefit level. If there are no qualified licensed mental health professionals either in the network or out of network, the non-profit medical service corporation shall provide documentation to the department of mental health that good faith efforts were made to locate a provider within the same geographic area.

(k) For the purposes of this section, a “licensed mental health professional” shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor or a licensed nurse mental health clinical specialist, and “linguistically appropriate mental health benefits” shall mean mental health benefits that are provided in the primary or preferred language of the patient, for the purpose of effective communication and treatment outcomes.

(l) For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as medical benefits and shall be covered in a manner identical to all other medical services.

(m) The department of mental health, in consultation with the division of insurance shall, under chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be necessary to carry out this section. The regulations shall include standards for qualified licensed mental health professionals.

SECTION 5. Section 4M of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out the last two paragraphs and inserting in place thereof the following four subsections:-

(j) Any such contract shall provide linguistically appropriate mental health benefits. A health maintenance organization shall make every effort to include in its network licensed mental health professionals who are qualified to provide linguistically appropriate mental health benefits. In instances where there are no qualified licensed mental health professionals within the network, a health maintenance organization or the member shall arrange for such benefits with a qualified mental health professional outside the network, to be reimbursed at the same benefit level. If there are no such qualified licensed mental health professional either in the network, or out of network, the insurer shall be required to provide documentation to the department of mental health that good faith efforts were made to locate such provider within the same geographic area.

(k) For the purposes of this section, a “licensed mental health professional” shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor or a licensed nurse mental health clinical specialist, and “linguistically appropriate mental health benefits” shall mean mental health benefits that are provided in the primary or preferred language of the patient, for the purpose of effective communication and treatment outcomes.

(l) For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as medical benefits and shall be covered in a manner identical to all other medical services.

(m) The department of mental health, in consultation with the division of insurance shall, under chapter 30A, promulgate and may, from time to time, revise rules and regulations that may

123 be necessary to carry out this section. The regulations shall include standards for qualified
124 licensed mental health professionals.