HOUSE DOCKET, NO. 1459 FILED ON: 1/13/2009

HOUSE . . . . . No. 3558

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to access to mental health and addiction services..

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

SECTION 1. Section 2 of chapter 176O of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after subsection (h), the following subsection:-

"(i) The bureau shall annually file a report to the Joint Committee on Mental Health and Substance Abuse detailing the number, nature and resolutions of internal grievances pursuant to section 13 of this chapter and grievance reviews pursuant to section 14 of this chapter arising from mental health and or substance abuse diagnoses."

SECTION 2. Subsection (a) of section 12 of chapter 176O, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

"A carrier or utilization review organization shall adopt utilization review criteria and conduct all utilization review activities pursuant to said criteria. The criteria shall be to the maximum extent feasible, scientifically derived and evidence based, and developed with input from participating providers, consistent with the development of medical necessity criteria

pursuant to the provisions of section 16 and made available, upon request, to participating providers and insured."

SECTION 3. Subsection (b) of section 16 of chapter 176O, as so appearing, is hereby amended by striking out, in line 16, the word "physicians" and inserting in place thereof the words:- "and participating providers".

SECTION 4. Said subsection (b) of said section 16 of said chapter 176O, as so appearing, is hereby amended by adding the following sentences:-

"Said guidelines and the evidence underlying them shall be made available to participating providers and insured upon request. Said guidelines may be challenged as to evidence basis and clinical appropriateness upon application for review by the office of patient protection. The office of patient protection must review any challenge brought pursuant to this section and may alter or invalidate a guideline in the interests of patient protection."