

SENATE No. 1959

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 ensuring parity for mental health and substance abuse treatment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	Norfolk, Bristol and Plymouth
Stanley C. Rosenberg	Hampshire, Franklin and Worcester
Ruth B. Balsler	12th Middlesex
John F. Keenan	Norfolk and Plymouth
Elizabeth A. Malia	11th Suffolk
Joan B. Lovely	Second Essex
Katherine M. Clark	Fifth Middlesex
Claire D. Cronin	11th Plymouth
Tricia Farley-Bouvier	3rd Berkshire
William Smitty Pignatelli	4th Berkshire
Diana DiZoglio	14th Essex
Mark C. Montigny	Second Bristol and Plymouth
Colleen M. Garry	36th Middlesex
Jay Livingstone	8th Suffolk
Daniel A. Wolf	Cape and Islands
Gailanne M. Cariddi	1st Berkshire
Harriette L. Chandler	First Worcester
Linda Dorcena Forry	First Suffolk

<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

SENATE No. 1959

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Stanley C. Rosenberg, Ruth B. Balsler, John F. Keenan and other members of the General Court for legislation to ensure parity for mental health and substance abuse treatment. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act ensuring parity 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. Chapter 256 of the Acts of 2008 by is hereby amended by adding at the end
2 thereof the following section:-

3 SECTION 18. A person or entity may bring an action in Superior Court for a violation
4 of this chapter G.L. c. 175, §47B; G.L. c. 176A, §8A; G.L. c. 176B, §4A; G.L. c. 176G, §4M.;
5 G.L. c. 32A § 22; or applicable regulations including, but not limited to, 211 CMR 154. If the
6 court finds for the petitioner, the recovery for such actions shall include, but shall not be limited
7 to, treble damages, court costs, and attorneys’ fees. In addition, the court shall award such other
8 equitable relief as it deems to be necessary and proper.

9 Any persons entitled to bring such action may, if the violation of parity has caused
10 similar denial of care to numerous other persons similarly situated and if the court finds in a
11 preliminary hearing that he adequately and fairly represents such other persons, bring the action
12 on behalf of himself and such other similarly injured and situated persons; the court shall require
13 that notice of such action be given to unnamed petitioners in the most effective, practicable
14 manner. Such action shall not be dismissed, settled or compromised without the approval of the
15 court, and notice of any proposed dismissal, settlement or compromise shall be given to all
16 members of the class of petitioners in such a manner as the court directs.