

**SENATE . . . . . No. 1093**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jennifer L. Flanagan***

*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 to further define medical necessity determinations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>2/2/2017</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/3/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1093) of Jennifer L. Flanagan, Angelo M. Scaccia, Kimberly N. Ferguson, Kay Khan and others for legislation to further define medical necessity determinations. Mental Health, Substance Use and Recovery.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1044 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to further define medical necessity determinations.

*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 8a of Chapter 118E is amended by inserting the following new  
2 sentence at the end of the definition “Medically Necessary Services” the following new sentence:  
3 “Medical necessary services for mental health treatment shall be determined by the treating  
4 clinician in consultation with the patient and noted in the patient’s medical record”.

5           SECTION 2: Section 16 (b) of Chapter 176O is amended by inserting the following new  
6 sentence at the end after the word “restriction” the following new sentence. “Medical necessity  
7 for mental health services shall be determined by the treating clinician in consultation with the  
8 patient and noted in the patient’s medical record.”