

SENATE No. 1095

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 relative to behavioral health telemedicine.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</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>

SENATE No. 1095

By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1095) of Jennifer L. Flanagan, Kimberly N. Ferguson and Kay Khan for legislation relative to behavioral health telemedicine. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

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

An Act relative to behavioral health telemedicine.

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 32A of the General Laws, as appearing the 2014 Official Edition, is
2 hereby amended by inserting after section 27 the following new section: -

3 Section 28. (b) The commission shall provide to an active or retired employee of the
4 commonwealth who is insured under the group insurance commission coverage for behavioral
5 health services provided by telemedicine at a rate of reimbursement no less than the applicable
6 coverage for behavioral health care services provided through in-person consultation or in-
7 person delivery of services. For the purposes of this coverage, “telemedicine” shall mean the use
8 of interactive audio, video or other electronic media for the purpose of diagnosis, consultation or
9 treatment.

10 SECTION 2. Chapter 118E of the General Laws, as so appearing, , is amended by
11 inserting after section 10G the following new section: -

12 Section 10K. The division and its contracted health insurers, health plans, health
13 maintenance organizations, behavioral health management firms and third party administrators
14 under contract to a Medicaid managed care organization or primary care clinician plan shall
15 provide coverage for behavioral health services provided by telemedicine at a rate of
16 reimbursement no less than the applicable coverage for behavioral health care services provided
17 through in-person consultation or in-person delivery of services. For the purposes of this
18 coverage, “telemedicine” shall mean the use of interactive audio, video or other electronic media
19 for the purpose of diagnosis, consultation or treatment.

20 SECTION 3. Chapter 175 of the General Laws, as so appearing, is amended by inserting
21 after Section 47II, the following new section: -

22 Section 47JJ. A policy, contract, agreement, plan or certificate of insurance issued,
23 delivered or renewed within the commonwealth that provides medical expense coverage shall
24 provide coverage for behavioral health services provided by telemedicine at a rate of
25 reimbursement no less than the applicable coverage for behavioral health care services provided
26 through in-person consultation or in-person delivery of services. For the purposes of this
27 coverage, “telemedicine” shall mean the use of interactive audio, video or other electronic media
28 for the purpose of diagnosis, consultation or treatment.

29 SECTION 4. Chapter 176A of the General Laws, as so appearing, is amended by
30 inserting after Section 8KK the following new section: -

31 Section 8LL. Any contract between a subscriber and the corporation under an individual
32 or group hospital service plan which is delivered, issued or renewed within the commonwealth
33 shall provide coverage for behavioral health services provided by telemedicine at a rate of

34 reimbursement no less than the applicable coverage for behavioral health care services provided
35 through in-person consultation or in-person delivery of services. For the purposes of this
36 coverage, “telemedicine” shall mean the use of interactive audio, video or other electronic media
37 for the purpose of diagnosis, consultation or treatment.

38 SECTION 5. Chapter 176B of the General Laws, as so appearing, is amended by
39 inserting after Section 4KK the following new section: -

40 Section 4LL. Any subscription certificate under an individual or group medical service
41 agreement delivered, issued or renewed within the commonwealth shall provide coverage for
42 behavioral health services provided by telemedicine at a rate of reimbursement no less than the
43 applicable coverage for behavioral health care services provided through in-person consultation
44 or in-person delivery of services. For the purposes of this coverage, “telemedicine” shall mean
45 the use of interactive audio, video or other electronic media for the purpose of diagnosis,
46 consultation or treatment.

47 SECTION 6. Chapter 176G of the General Laws, as so appearing, is amended by
48 inserting after Section 4CC the following new section: -

49 Section 4DD. Any individual or group health maintenance contract shall provide
50 coverage for behavioral health services provided by telemedicine at a rate of reimbursement no
51 less than the applicable coverage for behavioral health care services provided through in-person
52 consultation or in-person delivery of services. For the purposes of this coverage, “telemedicine”
53 shall mean the use of interactive audio, video or other electronic media for the purpose of
54 diagnosis, consultation or treatment.