

**HOUSE . . . . . No. 2109**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael P. Kushmerek***

*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:	DATE ADDED:
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>2/19/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/22/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>

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By Mr. Kushmerek of Fitchburg, a petition (accompanied by bill, House, No. 2109) of Michael P. Kushmerek 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 HOUSE, NO. 1723 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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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.”