

**SENATE . . . . . No. 1288**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Cindy F. Friedman***

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*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 removing preauthorization requirements for mental health acute treatment.

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PETITION OF:

NAME:

*Cindy F. Friedman*

DISTRICT/ADDRESS:

*Fourth Middlesex*

**SENATE . . . . . No. 1288**

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By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1288) of Cindy F. Friedman for legislation relative to medical necessity for mental health acute treatment. Mental Health, Substance Use and Recovery.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1148 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act removing preauthorization requirements for mental health acute 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 32A of the General Laws is hereby amended by inserting after  
2 section 17Q the following section:-

3           Section 17R. For the purposes of this section the following terms shall have the following  
4 meanings unless the context clearly requires otherwise:

5           “Community-based acute treatment”, 24-hour clinically managed mental health  
6 diversionary or step-down services for children and adolescents that are usually provided as an  
7 alternative to mental health acute treatment.

8           “Intensive community-based acute treatment”, intensive 24-hour clinically managed  
9 mental health diversionary or step-down services for children and adolescents that are usually  
10 provided as an alternative to mental health acute treatment.

11           “Mental health acute treatment”, 24-hour medically supervised mental health services  
12 provided in an inpatient facility, licensed by the department of mental health, that provides  
13 psychiatric evaluation, management, treatment and discharge planning in a structured treatment  
14 milieu.

15           The commission shall provide to any active or retired employee of the commonwealth  
16 who is insured under the group insurance commission coverage for medically necessary mental  
17 health acute treatment, community-based acute treatment and intensive community-based acute  
18 treatment and shall not require a preauthorization before obtaining treatment; provided, however,  
19 that the facility shall notify the carrier of the admission and the initial treatment plan within 72  
20 hours of admission.

21           Benefits for an employee under this section shall be the same for the employee’s covered  
22 spouse and covered dependents.

23           SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
24 section 10L the following section:-

25           Section 10M. For the purposes of this section the following terms shall have the  
26 following meanings unless the context clearly requires otherwise:

27 “Community-based acute treatment”, 24-hour clinically managed mental health  
28 diversionary or step-down services for children and adolescents that are usually provided as an  
29 alternative to mental health acute treatment.

30 “Intensive community-based acute treatment”, intensive 24-hour clinically managed  
31 mental health diversionary or step-down services for children and adolescents that are usually  
32 provided as an alternative to mental health acute treatment.

33 “Mental health acute treatment”, 24-hour medically supervised mental health services  
34 provided in an inpatient facility, licensed by the department of mental health, that provides  
35 psychiatric evaluation, management, treatment and discharge planning in a structured treatment  
36 milieu.

37 The division and its contracted health insurers, health plans, health maintenance  
38 organizations, behavioral health management firms and third-party administrators under contract  
39 to a Medicaid managed care organization or primary care clinician plan shall cover the cost of  
40 medically necessary mental health acute treatment, community-based acute treatment and  
41 intensive community-based acute treatment and shall not require a preauthorization before  
42 obtaining treatment; provided, however, that the facility shall notify the carrier of the admission  
43 and the initial treatment plan within 72 hours of admission.

44 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
45 section 47KK the following section:-

46 Section 47LL. For the purposes of this section the following terms shall have the  
47 following meanings unless the context clearly requires otherwise:

48 “Community-based acute treatment”, 24-hour clinically managed mental health  
49 diversionary or step-down services for children and adolescents that are usually provided as an  
50 alternative to mental health acute treatment.

51 “Intensive community-based acute treatment”, intensive 24-hour clinically managed  
52 mental health diversionary or step-down services for children and adolescents that are usually  
53 provided as an alternative to mental health acute treatment.

54 “Mental health acute treatment”, 24-hour medically supervised mental health services  
55 provided in an inpatient facility, licensed by the department of mental health, that provides  
56 psychiatric evaluation, management, treatment and discharge planning in a structured treatment  
57 milieu.

58 Any policy, contract, agreement, plan or certificate of insurance issued, delivered or  
59 renewed within the commonwealth, which is considered creditable coverage under section 1 of  
60 chapter 111M, shall provide coverage for medically necessary mental health acute treatment,  
61 community-based acute treatment and intensive community-based acute treatment and shall not  
62 require a preauthorization before obtaining treatment; provided, however, that the facility shall  
63 notify the carrier of the admission and the initial treatment plan within 72 hours of admission.

64 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
65 section 8MM the following section:-

66 Section 8NN. For the purposes of this section the following terms shall have the  
67 following meanings unless the context clearly requires otherwise:

68 “Community-based acute treatment”, 24-hour clinically managed mental health  
69 diversionary or step-down services for children and adolescents that are usually provided as an  
70 alternative to mental health acute treatment.

71 “Intensive community-based acute treatment”, intensive 24-hour clinically managed  
72 mental health diversionary or step-down services for children and adolescents that are usually  
73 provided as an alternative to mental health acute treatment.

74 “Mental health acute treatment”, 24-hour medically supervised mental health services  
75 provided in an inpatient facility, licensed by the department of mental health, that provides  
76 psychiatric evaluation, management, treatment and discharge planning in a structured treatment  
77 milieu.

78 Any contract between a subscriber and the corporation under an individual or group  
79 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide  
80 coverage for medically necessary mental health acute treatment, community-based acute  
81 treatment and intensive community-based acute treatment and shall not require a  
82 preauthorization before obtaining treatment; provided, however, that the facility shall notify the  
83 carrier of the admission and the initial treatment plan within 72 hours of admission.

84 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
85 section 4MM the following section:-

86 Section 4NN. For the purposes of this section the following terms shall have the  
87 following meanings unless the context clearly requires otherwise:

88 “Community-based acute treatment, 24-hour clinically managed mental health  
89 diversionary or step-down services for children and adolescents that are usually provided as an  
90 alternative to mental health acute treatment.

91 “Intensive community-based acute treatment”, intensive 24-hour clinically managed  
92 mental health diversionary or step-down services for children and adolescents that are usually  
93 provided as an alternative to mental health acute treatment.

94 “Mental health acute treatment”, 24-hour medically supervised mental health services  
95 provided in an inpatient facility, licensed by the department of mental health, that provides  
96 psychiatric evaluation, management, treatment and discharge planning in a structured treatment  
97 milieu.

98 Any subscription certificate under an individual or group medical service agreement  
99 delivered, issued or renewed within the commonwealth shall provide coverage for medically  
100 necessary mental health acute treatment, community-based acute treatment, intensive  
101 community-based acute treatment and shall not require a preauthorization before obtaining  
102 treatment; provided, however, that the facility shall notify the carrier of the admission and the  
103 initial treatment plan within 72 hours of admission.

104 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after  
105 section 4EE the following section:-

106 Section 4FF. For the purposes of this section the following terms shall have the following  
107 meanings unless the context clearly requires otherwise:

108 “Community-based acute treatment)”, 24-hour clinically managed mental health  
109 diversionary or step-down services for children and adolescents that are usually provided as an  
110 alternative to mental health acute treatment.

111 “Intensive community-based acute treatment”, intensive 24-hour clinically managed  
112 mental health diversionary or step-down services for children and adolescents that are usually  
113 provided as an alternative to mental health acute treatment.

114 “Mental health acute treatment”, 24-hour medically supervised mental health services  
115 provided in an inpatient facility, licensed by the department of mental health, that provides  
116 psychiatric evaluation, management, treatment and discharge planning in a structured treatment  
117 milieu.

118 Any individual or group health maintenance contract that is issued or renewed shall  
119 provide coverage for medically necessary mental health acute treatment, community-based acute  
120 treatment and intensive community-based acute treatment and shall not require a  
121 preauthorization before obtaining treatment; provided, however, that the facility shall notify the  
122 carrier of the admission and the initial treatment plan within 72 hours of admission.