

**SENATE . . . . . No. 685**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John F. Keenan***

*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 dual diagnosis treatment coverage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/24/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/2/2021</i>

**SENATE . . . . . No. 685**

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By Mr. Keenan, a petition (accompanied by bill, Senate, No. 685) of John F. Keenan, Elizabeth A. Malia and James B. Eldridge for legislation relative to dual diagnosis treatment coverage. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 605 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act relative to dual diagnosis treatment coverage.

*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 in the 2016 Official  
2 Edition, is hereby amended by striking out section 17N and inserting in place thereof the  
3 following section:-

4           Section 17N. "Acute treatment services", 24-hour medically supervised addiction  
5 treatment for adults or adolescents provided in a medically managed or medically monitored  
6 inpatient facility, as defined by the department of public health, that provides evaluation and  
7 withdrawal management and which may include biopsychosocial assessment, individual and  
8 group counseling, psychoeducational groups and discharge planning.

9           “Clinical stabilization services”, 24-hour clinically managed post detoxification  
10 treatment for adults or adolescents, as defined by the department of public health, usually  
11 following acute treatment services for substance abuse, which may include intensive education  
12 and counseling regarding the nature of addiction and its consequences, relapse prevention,  
13 outreach to families and significant others and aftercare planning, for individuals beginning to  
14 engage in recovery from addiction.

15           “Co-Occurring treatment services”, inpatient medically monitored detoxification  
16 treatment for adults or adolescents provided in an inpatient psychiatric facility or an inpatient  
17 psychiatric unit within a general hospital, licensed by the department of mental health.

18           The commission shall provide to any active or retired employee of the commonwealth  
19 who is insured under the group insurance commission coverage for medically necessary acute  
20 treatment services, medically necessary clinical stabilization services, and medically necessary  
21 co-occurring treatment services for up to a total of 14 days and shall not require preauthorization  
22 prior to obtaining such acute treatment services, clinical stabilization services, or co-occurring  
23 treatment services; provided that, the facility shall provide the carrier both notification of  
24 admission and the initial treatment plan within 48 hours of admission; provided further, that  
25 utilization review procedures may be initiated on day 7; and provided further, that the  
26 commission shall provide to any active or retired employee of the commonwealth who is insured  
27 under the group insurance commission coverage for, without preauthorization, substance abuse  
28 evaluations ordered pursuant to section 51 1/2 of chapter 111.

29           Medical necessity shall be determined by the treating clinician in consultation with the  
30 patient and noted in the patient's medical record.

31 SECTION 2. Chapter 118E of the General Laws, as so appearing, is hereby amended by  
32 striking out section 10H and inserting in place thereof the following section:-

33 "Acute treatment services", 24-hour medically supervised addiction treatment for adults  
34 or adolescents provided in a medically managed or medically monitored inpatient facility, as  
35 defined by the department of public health, that provides evaluation and withdrawal management  
36 and which may include biopsychosocial assessment, individual and group counseling,  
37 psychoeducational groups and discharge planning.

38 "Clinical stabilization services", 24-hour clinically managed post detoxification treatment  
39 for adults or adolescents, as defined by the department of public health, usually following acute  
40 treatment services for substance abuse, which may include intensive education and counseling  
41 regarding the nature of addiction and its consequences, relapse prevention, outreach to families  
42 and significant others and aftercare planning, for individuals beginning to engage in recovery  
43 from addiction.

44 "Co-Occurring treatment services", inpatient medically monitored detoxification  
45 treatment for adults or adolescents provided in an inpatient psychiatric facility or an inpatient  
46 psychiatric unit within a general hospital, licensed by the department of mental health.

47 The division and its contracted health insurers, health plans, health maintenance  
48 organizations, behavioral health management firms and third party administrators under contract  
49 to a Medicaid managed care organization or primary care clinician plan shall cover the cost of  
50 medically necessary acute treatment services and shall not require a preauthorization prior to  
51 obtaining treatment.

52           The division and its contracted health insurers, health plans, health maintenance  
53 organizations, behavioral health management firms and third party administrators under contract  
54 to a Medicaid managed care organization or primary care clinician plan shall cover the cost of  
55 medically necessary clinical stabilization services and co-occurring treatment services for up to  
56 14 days and shall not require preauthorization prior to obtaining clinical stabilization services  
57 and co-occurring treatment services; provided that the facility shall provide the carrier both  
58 notification of admission and the initial treatment plan within 48 hours of admission; provided  
59 further, that utilization review procedures may be initiated on day 7; and provided further, that  
60 the division and its contracted health insurers, health plans, health maintenance organizations,  
61 behavioral health management firms and third party administrators under contract to a Medicaid  
62 managed care organization or primary care clinician plan shall cover, without preauthorization,  
63 substance abuse evaluations ordered pursuant to section 51 1/2 of chapter 111.

64           Medical necessity shall be determined by the treating clinician in consultation with the  
65 patient and noted in the patient's medical record.

66           SECTION 3. Chapter 175 of the General Laws, as so appearing, is hereby amended by  
67 striking out section 47GG and inserting in place thereof the following section:-

68           "Acute treatment services", 24-hour medically supervised addiction treatment for adults  
69 or adolescents provided in a medically managed or medically monitored inpatient facility, as  
70 defined by the department of public health, that provides evaluation and withdrawal management  
71 and which may include biopsychosocial assessment, individual and group counseling,  
72 psychoeducational groups and discharge planning.

73 "Clinical stabilization services", 24-hour clinically managed post detoxification treatment  
74 for adults or adolescents, as defined by the department of public health, usually following acute  
75 treatment services for substance abuse, which may include intensive education and counseling  
76 regarding the nature of addiction and its consequences, relapse prevention, outreach to families  
77 and significant others and aftercare planning, for individuals beginning to engage in recovery  
78 from addiction.

79 "Co-Occurring treatment services", inpatient medically monitored detoxification  
80 treatment for adults or adolescents provided in an inpatient psychiatric facility or an inpatient  
81 psychiatric unit within a general hospital, licensed by the department of mental health.

82 Any policy, contract, agreement, plan or certificate of insurance issued, delivered or  
83 renewed within the commonwealth, which is considered creditable coverage under section 1 of  
84 chapter 111M, shall provide coverage for medically necessary acute treatment services,  
85 medically necessary clinical stabilization services and medically necessary co-occurring  
86 treatment services for up to a total of 14 days and shall not require preauthorization prior to  
87 obtaining acute treatment services, clinical stabilization services, or co-occurring treatment  
88 services; provided that the facility shall provide the carrier both notification of admission and the  
89 initial treatment plan within 48 hours of admission; provided further, that utilization review  
90 procedures may be initiated on day 7; provided further, any policy, contract, agreement, plan or  
91 certificate of insurance issued, delivered or renewed within the commonwealth, which is  
92 considered creditable coverage pursuant to section 1 of chapter 111M, shall cover, without  
93 preauthorization, a substance abuse evaluation ordered pursuant to section 511/2 of chapter 111.

94 Medical necessity shall be determined by the treating clinician in consultation with the  
95 patient and noted in the patient's medical record.

96 SECTION 4. Chapter 176A of the General Laws, as so appearing, is hereby amended by  
97 striking out section 8II and inserting in place thereof the following section:-

98 "Acute treatment services", 24-hour medically supervised addiction treatment for adults  
99 or adolescents provided in a medically managed or medically monitored inpatient facility, as  
100 defined by the department of public health, that provides evaluation and withdrawal management  
101 and which may include biopsychosocial assessment, individual and group counseling,  
102 psychoeducational groups and discharge planning.

103 "Clinical stabilization services", 24-hour clinically managed post detoxification treatment  
104 for adults or adolescents, as defined by the department of public health, usually following acute  
105 treatment services for substance abuse, which may include intensive education and counseling  
106 regarding the nature of addiction and its consequences, relapse prevention, outreach to families  
107 and significant others and aftercare planning, for individuals beginning to engage in recovery  
108 from addiction.

109 "Co-Occurring treatment services", inpatient medically monitored detoxification  
110 treatment for adults or adolescents provided in an inpatient psychiatric facility or an inpatient  
111 psychiatric unit within a general hospital, licensed by the department of mental health.

112 Any contract between a subscriber and the corporation under an individual or group  
113 hospital service plan which is delivered, issued or renewed within the commonwealth shall  
114 provide coverage for medically necessary acute treatment services, medically necessary clinical  
115 stabilization services, and medically necessary co-occurring treatment services for up to a total of

116 14 days and shall not require preauthorization prior to obtaining acute treatment services, clinical  
117 stabilization services, or co-occurring treatment services; provided that the facility shall provide  
118 the carrier both notification of admission and the initial treatment plan within 48 hours of  
119 admission; provided further, that utilization review procedures may be initiated on day 7;  
120 provided further, any contract between a subscriber and the corporation under an individual or  
121 group hospital service plan which is delivered, issued or renewed within the commonwealth,  
122 shall cover, without preauthorization, a substance abuse evaluation ordered pursuant to section  
123 51 1/2 of chapter 111.

124 Medical necessity shall be determined by the treating clinician in consultation with the  
125 patient and noted in the patient's medical record.

126 SECTION 5. Chapter 176B of the General Laws, as so appearing, is hereby amended by  
127 striking out section 4II and inserting in place thereof the following section:-

128 "Acute treatment services", 24-hour medically supervised addiction treatment for adults  
129 or adolescents provided in a medically managed or medically monitored inpatient facility, as  
130 defined by the department of public health, that provides evaluation and withdrawal management  
131 and which may include biopsychosocial assessment, individual and group counseling,  
132 psychoeducational groups and discharge planning.

133 "Clinical stabilization services", 24-hour clinically managed post detoxification treatment  
134 for adults or adolescents, as defined by the department of public health, usually following acute  
135 treatment services for substance abuse, which may include intensive education and counseling  
136 regarding the nature of addiction and its consequences, relapse prevention, outreach to families

137 and significant others and aftercare planning, for individuals beginning to engage in recovery  
138 from addiction.

139 “Co-Occurring treatment services”, inpatient medically monitored detoxification  
140 treatment for adults or adolescents provided in an inpatient psychiatric facility or an inpatient  
141 psychiatric unit within a general hospital, licensed by the department of mental health.

142 Any subscription certificate under an individual or group medical service agreement  
143 delivered, issued or renewed within the commonwealth shall provide coverage for medically  
144 necessary acute treatment services, medically necessary clinical stabilization services, and  
145 medically necessary co-occurring treatment services for up to a total of 14 days and shall not  
146 require preauthorization prior to obtaining acute treatment services, clinical stabilization services  
147 or co-occurring treatment services; provided that the facility shall provide the carrier both  
148 notification of admission and the initial treatment plan within 48 hours of admission; provided  
149 further, that utilization review procedures may be initiated on day 7; provided further, any  
150 subscription certificate under an individual or group medical service agreement delivered, issued  
151 or renewed within the commonwealth shall provide coverage for, without preauthorization, a  
152 substance abuse evaluation ordered pursuant to section 51 1/2 of chapter 111.

153 Medical necessity shall be determined by the treating clinician in consultation with the  
154 patient and noted in the patient's medical record.

155 SECTION 6. Section 4AA of chapter 176G of the General Laws, as so appearing, is  
156 hereby amended by inserting after the word “planning.”, in line 10, the following: -

157 Chapter 176G of the General Laws, as so appearing, is hereby amended by striking out  
158 section 4AA and inserting in place thereof the following section:-

159 "Acute treatment services", 24-hour medically supervised addiction treatment for adults  
160 or adolescents provided in a medically managed or medically monitored inpatient facility, as  
161 defined by the department of public health, that provides evaluation and withdrawal management  
162 and which may include biopsychosocial assessment, individual and group counseling,  
163 psychoeducational groups and discharge planning.

164 "Clinical stabilization services", 24-hour clinically managed post detoxification treatment  
165 for adults or adolescents, as defined by the department of public health, usually following acute  
166 treatment services for substance abuse, which may include intensive education and counseling  
167 regarding the nature of addiction and its consequences, relapse prevention, outreach to families  
168 and significant others and aftercare planning, for individuals beginning to engage in recovery  
169 from addiction.

170 "Co-Occurring treatment services", inpatient medically monitored detoxification  
171 treatment for adults or adolescents provided in an inpatient psychiatric facility or an inpatient  
172 psychiatric unit within a general hospital, licensed by the department of mental health.

173 An individual or group health maintenance contract that is issued or renewed shall  
174 provide coverage for medically necessary acute treatment services, medically necessary clinical  
175 stabilization services, and medically necessary co-occurring treatment services for up to a total of  
176 14 days and shall not require preauthorization prior to obtaining acute treatment services, clinical  
177 stabilization services, or co-occurring treatment services; provided that the facility shall provide  
178 the carrier both notification of admission and the initial treatment plan within 48 hours of  
179 admission; provided further, that utilization review procedures may be initiated on day 7;  
180 provided further, an individual or group health maintenance contract that is issued or renewed

181 shall provide coverage for, without preauthorization, a substance abuse evaluation ordered  
182 pursuant to section 51 1/2 of chapter 111.

183 Medical necessity shall be determined by the treating clinician in consultation with the  
184 patient and noted in the patient's medical record.