

SENATE No. 1288

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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.

PETITION OF:

NAME:

Cindy F. Friedman

DISTRICT/ADDRESS:

Fourth Middlesex

SENATE No. 1288

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.

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

The Commonwealth of Massachusetts

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

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4FF. For the purposes of this section the following terms shall have the following 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.