

HOUSE No. 1073

The Commonwealth of Massachusetts

PRESENTED BY:

Meghan K. Kilcoyne

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 telehealth parity for nutrition counseling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Meghan K. Kilcoyne</i>	<i>12th Worcester</i>	<i>1/19/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>3/13/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/21/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>4/5/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>4/5/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>4/5/2023</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>4/10/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>4/10/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>4/21/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>9/11/2023</i>

HOUSE No. 1073

By Representative Kilcoyne of Clinton, a petition (accompanied by bill, House, No. 1073) of Meghan Kilcoyne and Edward R. Philips relative to telehealth parity for nutrition counseling. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to telehealth parity for nutrition counseling.

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 30 of chapter 32A of the General Laws, as inserted by section 3 of
2 chapter 260 of the acts of 2020, is hereby amended by inserting after the definition for
3 “behavioral health services” the following definition:-

4 “Nutrition counseling”, care and services, including, but not limited to, medical nutrition
5 therapy, provided by a dietitian/nutritionist licensed by the board of registration of dietitians and
6 nutritionists pursuant to sections 201 to 210, inclusive, of chapter 112 of the General Laws.

7 SECTION 2. Said section 30 of said chapter 32A of the General Laws, as inserted by
8 section 3 of chapter 260 of the acts of 2020, is hereby further amended by striking out subsection
9 (g) and inserting in place thereof the following subsection:-

10 (g) The commission shall ensure that the rate of payment for in-network providers of
11 behavioral health services and in-network providers of nutrition counseling delivered via
12 interactive audio-video technology and audio-only telephone shall be no less than the rate of

13 payment for the same service delivered via in-person methods; provided, that this subsection
14 shall apply to providers of behavioral health services and nutrition counseling covered as
15 required under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of
16 chapter 176O.

17 SECTION 3. Section 79 of chapter 118E of the General Laws, as inserted by section 40
18 of chapter 260 of the acts of 2020, is hereby amended by inserting after the definition for
19 “behavioral health services” the following definition:-

20 “Nutrition counseling”, care and services, including, but not limited to, medical nutrition
21 therapy, provided by a dietitian/nutritionist licensed by the board of registration of dietitians and
22 nutritionists pursuant to sections 201 to 210, inclusive, of chapter 112 of the General Laws.

23 SECTION 4. Said section 79 of said chapter 118E of the General Laws, as inserted by
24 section 40 of chapter 260 of the acts of 2020, is hereby further amended by striking out
25 subsection (g) and inserting in place thereof the following subsection:-

26 (g) The division shall ensure that the rate of payment for in-network providers of
27 behavioral health services and in-network providers of nutrition counseling delivered via
28 interactive audio-video technology and audio-only telephone shall be no less than the rate of
29 payment for the same service delivered via in-person methods; provided, that this subsection
30 shall apply to providers of behavioral health services and providers of nutrition counseling
31 covered as required under subclause (i) of clause (4) of the second sentence of subsection (a) of
32 section 6 of chapter 176O.

33 SECTION 5. Subsection (a) of section 47MM of chapter 175 of the General Laws, as
34 inserted by section 47 of chapter 260 of the acts of 2020, is hereby amended by inserting after
35 the definition for “behavioral health services” the following definition:-

36 “Nutrition counseling”, care and services, including, but not limited to, medical nutrition
37 therapy, provided by a dietitian/nutritionist licensed by the board of registration of dietitians and
38 nutritionists pursuant to sections 201 to 210, inclusive, of chapter 112 of the General Laws.

39 SECTION 6. Said section 47MM of said chapter 175 of the General Laws, as inserted by
40 section 40 of chapter 260 of the acts of 2020, is hereby further amended by striking out
41 subsection (g) and inserting in place thereof the following subsection:-

42 (g) Insurance companies organized under this chapter shall ensure that the rate of
43 payment for in-network providers of behavioral health services and in-network providers of
44 nutrition counseling delivered via interactive audio-video technology and audio-only telephone
45 shall be no less than the rate of payment for the same service delivered via in-person methods;
46 provided, that this subsection shall apply to providers of behavioral health services and providers
47 of nutrition counseling covered as required under subclause (i) of clause (4) of the second
48 sentence of subsection (a) of section 6 of chapter 176O.

49 SECTION 7. Section 38 of chapter 176A of the General Laws, as inserted by section 49
50 of chapter 260 of the acts of 2020, is hereby amended by inserting after the definition for
51 “behavioral health services” the following definition:-

52 “Nutrition counseling”, care and services, including, but not limited to, medical nutrition
53 therapy, provided by a dietitian/nutritionist licensed by the board of registration of dietitians and
54 nutritionists pursuant to sections 201 to 210, inclusive, of chapter 112 of the General Laws.

55 SECTION 8. Said section 38 of said chapter 176A of the General Laws, as inserted by
56 section 40 of chapter 260 of the acts of 2020, is hereby further amended by striking out
57 subsection (g) and inserting in place thereof the following subsection:-

58 (g) Hospital service corporations shall ensure that the rate of payment for in-network
59 providers of behavioral health services and in-network providers of nutrition counseling
60 delivered via interactive audio-video technology and audio-only telephone shall be no less than
61 the rate of payment for the same service delivered via in-person methods; provided, that this
62 subsection shall apply to providers of behavioral health services and providers of nutrition
63 counseling covered as required under subclause (i) of clause (4) of the second sentence of
64 subsection (a) of section 6 of chapter 176O.

65 SECTION 9. Section 25 of chapter 176B of the General Laws, as inserted by section 51
66 of chapter 260 of the acts of 2020, is hereby amended by inserting after the definition for
67 “behavioral health services” the following definition:-

68 “Nutrition counseling”, care and services, including, but not limited to, medical nutrition
69 therapy, provided by a dietitian/nutritionist licensed by the board of registration of dietitians and
70 nutritionists pursuant to sections 201 to 210, inclusive, of chapter 112 of the General Laws.

71 SECTION 10. Said section 25 of said chapter 176B of the General Laws, as inserted by
72 section 40 of chapter 260 of the acts of 2020, is hereby further amended by striking out
73 subsection (g) and inserting in place thereof the following subsection:-

74 (g) Medical service corporations shall ensure that the rate of payment for in-network
75 providers of behavioral health services and in-network providers of nutrition counseling
76 delivered via interactive audio-video technology and audio-only telephone shall be no less than

77 the rate of payment for the same service delivered via in-person methods; provided, that this
78 subsection shall apply to providers of behavioral health services and providers of nutrition
79 counseling covered as required under subclause (i) of clause (4) of the second sentence of
80 subsection (a) of section 6 of chapter 176O.

81 SECTION 11. Section 33 of chapter 176G of the General Laws, as inserted by section 51
82 of chapter 260 of the acts of 2020, is hereby amended by inserting after the definition for
83 “behavioral health services” the following definition:-

84 “Nutrition counseling”, care and services, including, but not limited to, medical nutrition
85 therapy, provided by a dietitian/nutritionist licensed by the board of registration of dietitians and
86 nutritionists pursuant to sections 201 to 210, inclusive, of chapter 112 of the General Laws.

87 SECTION 12. Said section 33 of chapter 176G of the General Laws, as inserted by
88 section 40 of chapter 260 of the acts of 2020, is hereby further amended by striking out
89 subsection (g) and inserting in place thereof the following subsection:-

90 (g) Health maintenance organizations shall ensure that the rate of payment for in-
91 network providers of behavioral health services and in-network providers of nutrition counseling
92 delivered via interactive audio-video technology and audio-only telephone shall be no less than
93 the rate of payment for the same service delivered via in-person methods; provided, that this
94 subsection shall apply to providers of behavioral health services and providers of nutrition
95 counseling covered as required under subclause (i) of clause (4) of the second sentence of
96 subsection (a) of section 6 of chapter 176O.

97 SECTION 13. Section 13 of chapter 176I of the General Laws, as inserted by section 51
98 of chapter 260 of the acts of 2020, is hereby amended by inserting after the definition for
99 “behavioral health services” the following definition:-

100 “Nutrition counseling”, care and services, including, but not limited to, medical nutrition
101 therapy, provided by a dietitian/nutritionist licensed by the board of registration of dietitians and
102 nutritionists pursuant to sections 201 to 210, inclusive, of chapter 112 of the General Laws.

103 SECTION 14. Said section 13 of chapter 176I of the General Laws, as inserted by section
104 40 of chapter 260 of the acts of 2020, is hereby further amended by striking out subsection (g)
105 and inserting in place thereof the following subsection:-

106 (g) Organizations shall ensure that the rate of payment for in-network providers of
107 behavioral health services and in-network providers of nutrition counseling delivered via
108 interactive audio-video technology and audio-only telephone shall be no less than the rate of
109 payment for the same service delivered via in-person methods; provided, that this subsection
110 shall apply to providers of behavioral health services and providers of nutrition counseling
111 covered as required under subclause (i) of clause (4) of the second sentence of subsection (a) of
112 section 6 of chapter 176O.