

**SENATE . . . . . No. 657**

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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 providing continuity of care for mental health treatment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/10/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>7/21/2023</i>

**SENATE . . . . . No. 657**

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By Mr. Keenan, a petition (accompanied by bill, Senate, No. 657) of John F. Keenan and Ruth B. Balser for legislation to provide continuity of care for mental health treatment insurance coverage. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1039 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act providing continuity of care for mental health 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. Section 1 of chapter 176O of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by inserting after the definition of “Concurrent review” the  
3 following definition:-

4           “Continuing course of treatment”, having at least 1 visit in the past 4 months for the same  
5 or similar mental health diagnosis or set of symptoms.

6           SECTION 2. Subsection (e) of section 15 of said chapter 176O is hereby amended by  
7 striking out the words “that could have been imposed if the provider had not been disenrolled;”  
8 and inserting in place thereof the following words:- permitted under this section;

9 SECTION 3. The second sentence of said subsection (e) of said section 15 of said chapter  
10 176O is hereby further amended by striking out the word “remained” and inserting in place  
11 thereof the following words:- had been.

12 SECTION 4. Section 15 of said chapter 176O is hereby further amended by adding after  
13 subsection (k) the following subsection:-

14 (l) A carrier shall allow any insured who is engaged in a continuing course of treatment  
15 with a licensed mental health provider eligible for coverage under the plan, and whose provider  
16 in connection with said mental health treatment is involuntarily or voluntarily disenrolled, other  
17 than for quality-related reasons or for fraud, or whose carrier has changed for any reason thereby  
18 placing the provider out-of-network, to continue treatment with said provider through an out-of-  
19 network option, pursuant to the following:

20 (1) The carrier shall reimburse the licensed mental health care professional the usual  
21 network per-unit reimbursement rate for the relevant service and provider type as payment in  
22 full. If more than one reimbursement rate exists, the carrier shall use the median reimbursement  
23 rate.

24 (2) The non-network option may require that a covered person pay a higher co-payment  
25 only if the higher co-payment results from increased costs caused by the use of a non-network  
26 provider. The carrier shall provide an actuarial demonstration of the increased costs to the  
27 division of health care finance and policy at the commissioner’s request. If the increased costs  
28 are not justified, the commissioner shall require the carrier to recalculate the appropriate costs  
29 allowed and resubmit the appropriate co-payment to the division of health care finance and  
30 policy.

31           (3) No additional charges, costs or deductibles may be levied due to the exercise of the  
32 out-of-network option. The amount of any additional co-payment charged by the carrier for the  
33 additional cost of the creation and maintenance of coverage described in subsection (1) shall be  
34 paid by the covered person unless it is paid by an employer or other person through agreement  
35 with the carrier.