

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 creating parity for mental and behavioral health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/17/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act creating parity for mental and behavioral health services.

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 16 of chapter 6A, of the General Laws, as appearing in the 2022
2 Official Edition, is amended by adding, at the end thereof, the following new paragraph:

3 "And provided further that the secretary of the executive office of health and human
4 services shall ensure that network hospitals are compensated at their full negotiated rate for
5 behavioral health services provided to MassHealth patients who are also clients of agencies
6 within the executive office of health and human services and for whom no appropriate alternative
7 placement is available. Provided however, such compensation shall only be provided if the
8 hospital can document that it has engaged in good faith efforts to place said clients in any
9 appropriate alternative setting."

10 SECTION 2. Section 22 of chapter 32A of the General Laws, as appearing in the 2022
11 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
12 the following subsection:-

13 (a) The commission shall provide to any active or retired employee of the commonwealth
14 who is insured under the group insurance commission coverage on a nondiscriminatory basis for
15 the diagnosis and medically necessary treatment of any mental disorder including autism
16 spectrum disorder, as described in the most recent edition of the Diagnostic and Statistical
17 Manual of Mental Disorders (DSM) or the most current version of the International
18 Classification of Diseases (ICD).

19 SECTION 3. Said section 22 of said chapter 32A, as so appearing, is hereby further
20 amended by striking out subsections (b) and (e).

21 SECTION 4. Section 47B of chapter 175 of the General Laws, as so appearing, is hereby
22 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

23 (a) Section 47B. (a) An individual policy of accident and sickness insurance issued
24 pursuant to section 108, which provides hospital expense and surgical expense insurance, and a
25 group blanket or general policy of accident and sickness insurance issued pursuant to section
26 110, which provides hospital expense and surgical expense insurance, which is issued or
27 renewed within or without the commonwealth, shall provide mental health benefits on a
28 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a
29 principal place of employment in the commonwealth coverage on a nondiscriminatory basis for
30 the diagnosis and medically necessary treatment of any mental disorder including autism
31 spectrum disorder, as described in the most recent edition of the Diagnostic and Statistical
32 Manual of Mental Disorders (DSM) or the most current version of the International
33 Classification of Diseases (ICD).

34 SECTION 5. Said section 47B of said chapter 175, as so appearing, is hereby further
35 amended by striking out subsections (b) and (e).

36 SECTION 6. Section 8A of chapter 176A of the General Laws, as appearing in the 2022
37 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
38 the following subsection:-

39 Section 8A. (a) A contract between a subscriber and the corporation under an individual
40 or group hospital service plan which is issued or renewed within or without the commonwealth
41 shall provide mental health benefits on a nondiscriminatory basis to residents of the
42 commonwealth and to all individual subscribers and members and group members having a
43 principal place of employment in the commonwealth for the diagnosis and medically necessary
44 treatment of any mental disorder including autism spectrum disorder, as described in the most
45 recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the most
46 current version of the International Classification of Diseases (ICD).

47 SECTION 7. Section 8A of chapter 176A of the General Laws, as appearing in the 2022
48 Official Edition, is hereby amended by striking out subsections (b) and (e).

49 SECTION 8. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby
50 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

51 (a) A subscription certificate under an individual or group medical service agreement
52 which is issued or renewed within or without the commonwealth shall provide mental health
53 benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual
54 subscribers and members within the commonwealth and to all group members having a principal
55 place of employment in the commonwealth for the diagnosis and medically necessary treatment

56 of any mental disorder including autism spectrum disorder, as described in the most recent
57 edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the most current
58 version of the International Classification of Diseases (ICD).

59 SECTION 9. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby
60 amended by striking out subsections (b) and (e).

61 SECTION 10. Section 4M of said chapter 176G, as so appearing, is hereby further
62 amended by striking out subsection (a) and inserting in place thereof the following subsection:—

63

64 (a) A health maintenance contract issued or renewed within or without the
65 commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of
66 the commonwealth and to all members or enrollees having a principal place of employment in
67 the commonwealth for the diagnosis and medically necessary treatment of any mental disorder
68 including autism spectrum disorder, as described in the most recent edition of the Diagnostic and
69 Statistical Manual of Mental Disorders (DSM) or the most current version of the International
70 Classification of Diseases (ICD)

71 SECTION 11. Section 4M of said chapter 176G, as so appearing, is hereby further
72 amended by striking out subsection (b) and (e).

73 SECTION 12. All policies, contracts and certificates of health insurance subject to
74 section 22 of chapter 32A, section 47B of chapter 175, section 8A of chapter 176A, section 4A
75 of chapter 176B, or section 4M of chapter 176G of the General Laws that are delivered, issued or
76 renewed on or after July 1, 2026 shall conform with this act. Form filings implementing this act
77 shall be subject to the approval of the commissioner of insurance.

78 SECTION 13. Section 108 of chapter 175 of the General Laws is hereby amended by
79 adding the following:-

80 "13. No individual policy of short-term or long-term disability insurance providing
81 income replacement benefits that is issued or renewed in the Commonwealth shall discriminate
82 against persons disabled due to a mental health condition. "Mental health condition" is defined
83 as any condition or disorder involving mental illness or substance use that falls under any of the
84 diagnostic categories listed in the mental, behavioral or neurodevelopmental disorders section of
85 the international classification of disease, as periodically revised. Discrimination includes:

86 1. Limiting benefits or excluding coverage for disabilities on the basis that the disability
87 results from a mental health condition as defined herein.

88 2. Limitations on benefits or coverage exclusions for any disability resulting from a
89 mental health condition that are not applied equally to all disabilities."

90 SECTION 14. Section 110 of chapter 175 of the General Laws is hereby amended by
91 adding the following subsection:-

92 "Q. No certificate of coverage under a group policy of short-term or long-term disability
93 insurance providing income replacement benefits that is issued or renewed in the Commonwealth
94 shall discriminate against persons disabled due to a mental health condition. "Mental health
95 condition" is defined as any condition or disorder involving mental illness or substance use that
96 falls under any of the diagnostic categories listed in the mental, behavioral or
97 neurodevelopmental disorders section of the international classification of disease, as
98 periodically revised. Discrimination includes:

99 1. Limiting benefits or excluding coverage for disabilities on the basis that the disability
100 results from a mental health condition as defined herein.

101 2. Limitations on benefits or coverage exclusions for any disability resulting from a
102 mental health condition that are not applied equally to all disabilities."

103 SECTION 15. Nothing established in the preceding sections, Sections 13 and 14, of this
104 act, shall be construed to prohibit periodic medical exams or other procedures reasonably
105 calculated to determine whether or not a disability exists, or continues to exist; provided said
106 examinations, procedures or protocols are comparable and no more frequent or onerous than
107 those required for disabilities caused by physical disorders.