

SENATE No. 773

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 expanding access to mental health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>4/5/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>6/12/2025</i>

SENATE No. 773

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 773) of John F. Keenan for legislation to expand access to mental health services for inpatient treatment. Financial Services.

The Commonwealth of Massachusetts

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

An Act expanding access to mental 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 17S of chapter 32A of the General Laws, as inserted by chapter 177
2 of the Acts of 2022, is hereby amended by striking subsection (b) and inserting in place thereof
3 the following subsection:-

4 (b) The commission shall provide to any active or retired employee of the
5 commonwealth who is insured under the group insurance commission coverage for medically
6 necessary mental health services within an inpatient psychiatric facility, a community health
7 center, a community behavioral health center, a community mental health center, an outpatient
8 substance use disorder provider, a hospital outpatient department, a community-based acute
9 treatment an intensive community-based acute treatment, crisis stabilization services, and youth
10 crisis stabilization services, and shall not require a preauthorization before obtaining treatment;
11 provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of
12 the admission and the initial treatment plan within three business days of admission; and
13 provided further that services administered prior to notification must be covered. Notification

shall be limited to patient's name, facility name, time of admission, diagnosis, and initial treatment plan. Medical necessity shall be determined by the treating clinician in consultation with the patient and noted in the member's medical record.

SECTION 2. Section 25C ½ of chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after subsection (a)(4) the following subsection:-

(5) A health facility if the facility plans to make a capital expenditure for the development of acute psychiatric services including, inpatient, community based acute treatment, intensive community based acute treatment, partial hospitalization program, and crisis stabilization services; provided that the health facility demonstrates the need for a license from the department of mental health pursuant to paragraph c of section 19 of chapter 19 of the general laws, as so appearing.

SECTION 3. Section 51 ½ of Chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the definition of "licensed mental health professional" and inserting in place thereof the following:-

"Licensed mental health professional", a: (i) licensed physician who specializes in the practice of psychiatry or addiction medicine; (ii) licensed psychologist; (iii) licensed independent clinical social worker; (iv) licensed certified social worker; (v) licensed mental health counselor; (vi) licensed supervised mental health counselor; (vii) licensed physician assistant who practices in the field of psychiatry or addiction medicine; (viii) licensed psychiatric clinical nurse specialist; (ix) licensed psychiatric mental health nurse practitioner; (x) certified addictions registered nurse; (xi) licensed alcohol and drug counselor I as defined in section 1 of chapter

111J; (xii) healthcare provider, as defined in section 1, qualified within the scope of the individual's license to perform substance use disorder evaluations, including an intern, resident or fellow pursuant to the policies and practices of the hospital and medical staff; (xiv) other licensed master's level mental health clinician, including but not limited to licensed alcohol and drug counselor and licensed marriage and family therapist; or (xv) individuals with a master's degree in a clinical behavioral health practice pursuing licensure post master's under the supervision of an appropriately licensed and credentialed clinician.

SECTION 4. Section 51 $\frac{3}{4}$ of Chapter 111 of the General Laws, as inserted by Chapter 177 of the Acts of 2022, is hereby amended by striking out the second sentence and replacing it with the following sentence:

The regulations shall define "licensed mental health professional", which shall include, but not be limited to, a: (i) licensed physician who specializes in the practice of psychiatry or addiction medicine; (ii) licensed psychologist; (iii) licensed independent clinical social worker; (iv) licensed certified social worker; (v) licensed mental health counselor; (vi) licensed supervised mental health counselor; (vii) licensed physician assistant who practices in the field of psychiatry; (viii) licensed psychiatric clinical nurse specialist; (ix) licensed psychiatric mental health nurse practitioner; (x) healthcare provider, as defined in section 1, qualified within the scope of the individual's license to conduct an evaluation of a mental health condition, including an intern, resident or fellow pursuant to the policies and practices of the hospital and medical staff; (xi) other licensed master's level mental health clinician, including but not limited to licensed alcohol and drug counselor and licensed marriage and family therapist; or (xii) individuals with a master's degree in a clinical behavioral health practice pursuing licensure post master's under the supervision of an appropriately licensed and credentialed clinician.

SECTION 5. Section 10O of chapter 118E of the General Laws, as inserted by chapter 177 of the acts of 2022, is hereby amended by striking out the last paragraph and inserting in place thereof the following new paragraph:-

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 services within an inpatient psychiatric facility, a community health center, a community behavioral health center, a community mental health center, an outpatient substance use disorder provider, a hospital outpatient department, a community-based acute treatment an intensive community-based acute treatment, crisis stabilization services, and youth crisis stabilization services, and shall not require a preauthorization before obtaining treatment; provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of the admission and the initial treatment plan within three business days of admission; provided further that notification shall be limited to patient's name, facility name, time of admission, diagnosis, and initial treatment plan; and provided further that services administered prior to notification must be covered. Medical necessity shall be determined by the treating clinician in consultation with the patient and noted in the member's medical record.

SECTION 6. Chapter 123 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 12, and inserting in place thereof the following section:-

Section 12. (a) A physician who is licensed pursuant to section 2 of chapter 112, an advanced practice registered nurse authorized to practice as such under regulations promulgated

pursuant to section 80B of said chapter 112, a qualified psychologist licensed pursuant to sections 118 to 129, inclusive, of said chapter 112 or a licensed independent clinical social worker licensed pursuant to sections 130 to 137, inclusive, of said chapter 112 or a qualified physician assistant licensed pursuant to section 9(e) of chapter 112, who, after examining a person, has reason to believe that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness may restrain or authorize the restraint of such person and apply for the hospitalization of such person for a 3-day period at a public facility or at a private facility authorized for such purposes by the department. If an examination is not possible because of the emergency nature of the case and because of the refusal of the person to consent to such examination, the physician, qualified psychologist, qualified advanced practice registered nurse, qualified physician assistant, or licensed independent clinical social worker on the basis of the facts and circumstances may determine that hospitalization is necessary and may therefore apply. In an emergency situation, if a physician, qualified psychologist, qualified advanced practice registered nurse, qualified physician assistant or licensed independent clinical social worker is not available, a police officer who believes that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person and apply for the hospitalization of such person for a 3-day period at a public facility or a private facility authorized for such purpose by the department. An application for hospitalization shall state the reasons for the restraint of such person and any other relevant information that may assist the admitting physician or qualified advanced practice registered nurse or qualified physician assistant. Whenever practicable, prior to transporting such person, the applicant shall telephone or otherwise communicate with a facility to describe the circumstances and known clinical history and to determine whether the facility is the proper facility to receive such person

and to give notice of any restraint to be used and to determine whether such restraint is necessary.

(b) Only if the application for hospitalization under this section is made by a physician, a qualified advanced practice registered nurse or qualified physician assistant specifically designated to have the authority to admit to a facility in accordance with the regulations of the department, shall such person be admitted to the facility immediately after reception. If the application is made by someone other than a designated physician, a qualified advanced practice registered nurse, or a qualified physician assistant such person shall be given a psychiatric examination by a designated physician, a qualified advanced practice registered nurse or qualified physician assistant immediately after reception at such facility. If the physician, qualified advanced practice registered nurse, or qualified physician assistant determines that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness, the physician or qualified advanced practice registered nurse or qualified physician assistant may admit such person to the facility for care and treatment. Upon admission of a person under this subsection, the facility shall inform the person that it shall, upon such person's request, notify the committee for public counsel services of the name and location of the person admitted. The committee for public counsel services shall immediately appoint an attorney who shall meet with the person. If the appointed attorney determines that the person voluntarily and knowingly waives the right to be represented, is presently represented or will be represented by another attorney, the appointed attorney shall so notify the committee for public counsel services, which shall withdraw the appointment.

Any person admitted under this subsection who has reason to believe that such admission is the result of an abuse or misuse of this subsection may request or request through counsel an

127 emergency hearing in the district court in whose jurisdiction the facility is located and unless a
128 delay is requested by the person or through counsel, the district court shall hold such hearing on
129 the day the request is filed with the court or not later than the next business day.

130 (c) No person shall be admitted to a facility under this section unless the person, or the
131 person's parent or legal guardian on the person's behalf, is given an opportunity to apply for
132 voluntary admission under paragraph (a) of section 10 and unless the person, or the person's
133 parent or legal guardian, has been informed that: (i) the person has a right to such voluntary
134 admission; and (ii) the period of hospitalization under this section cannot exceed 3 days. At any
135 time during such period of hospitalization, the superintendent may discharge such person if the
136 superintendent determines that such person is not in need of care and treatment.

137 (d) A person shall be discharged at the end of the 3-day period unless the superintendent
138 applies for a commitment under sections 7 and 8 or the person remains on a voluntary status.

139 (e) Any person may make an application to a district court justice or a justice of the
140 juvenile court department for a 3-day commitment to a facility of a person with a mental illness
141 if the failure to confine said person would cause a likelihood of serious harm. The court shall
142 appoint counsel to represent said person. After hearing such evidence as the court may consider
143 sufficient, a district court justice or a justice of the juvenile court department may issue a warrant
144 for the apprehension and appearance before the court of the alleged person with a mental illness
145 if in the court's judgment the condition or conduct of such person makes such action necessary
146 or proper. Following apprehension, the court shall have the person examined by a physician, a
147 qualified advanced practice registered nurse or a qualified physician assistant designated to have
148 the authority to admit to a facility or examined by a qualified psychologist in accordance with the

regulations of the department. If the physician, qualified advanced practice registered nurse, qualified physician assistant or qualified psychologist reports that the failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness, the court may order the person committed to a facility for a period not to exceed 3 days; provided, however, that the superintendent may discharge said person at any time within the 3-day period. The periods of time prescribed or allowed under this section shall be computed pursuant to Rule 6 of the Massachusetts Rules of Civil Procedure.

SECTION 7. Said chapter 123 is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section:-

Section 21. Any person who transports a person with a mental illness to or from a facility for any purpose authorized under this chapter shall not use any restraint that is unnecessary for the safety of the person being transported or other persons likely to come in contact with the person.

In the case of persons being hospitalized under section 6, the applicant shall authorize practicable and safe means of transport including, where appropriate, departmental or police transport.

Restraint of a person with a mental illness may only be used in cases of emergency, such as the occurrence of, or serious threat of, extreme violence, personal injury or attempted suicide; provided, however, that written authorization for such restraint is given by the superintendent or director of the facility or by a physician, or by a qualified advanced practice registered nurse or qualified physician assistant designated by the superintendent or director for this purpose who is present at the time of the emergency or if the superintendent, director, designated physician,

designated qualified advanced practice registered nurse or designated qualified physician assistant is not present at the time of the emergency, non-chemical means of restraint may be used for a period of not more than 1 hour; provided further, that within 1 hour the person in restraint shall be examined by the superintendent, director, designated physician, designated qualified advanced practice registered nurse, or designated qualified physician assistant,; and provided further, that if the examination has not occurred within 1 hour, the patient may be restrained for an additional period of not more than 1 hour until such examination is conducted and the superintendent, director, designated physician, designated qualified advanced practice registered nurse, or designated qualified physician assistant shall attach to the restraint form a written report as to why the examination was not completed by the end of the first hour of restraint.

Any minor placed in restraint shall be examined within 15 minutes of the order for restraint by a physician, qualified advanced practice registered nurse, or qualified physician assistant, or, if a physician, qualified advanced practice registered nurse or qualified physician assistant is not available, by a registered nurse; provided, however, that said minor shall be examined by a physician, qualified advanced practice registered nurse or qualified physician assistant within 1 hour of the order for restraint. A physician, qualified advanced practice registered nurse or qualified physician assistant, or, if a physician, qualified advanced practice registered nurse or qualified physician assistant are not available, a registered nurse shall review the restraint order by personal examination of the minor or consultation with ward staff attending the minor every hour thereafter.

No minor shall be secluded for more than 2 hours in any 24-hour period; provided, however, that no such seclusion of a minor may occur except in a facility with authority to use

such seclusion after said facility has been inspected and specially certified by the department. The department shall issue regulations establishing procedures by which a facility may be specially certified with authority to seclude a minor. Such regulations shall provide for review and approval or disapproval by the commissioner of a biannual application by the facility, which shall include: (i) a comprehensive statement of the facility's policies and procedures for the utilization and monitoring of restraint of minors including a statistical analysis of the facility's actual use of such restraint; and (ii) a certification by the facility of its ability and intent to comply with all applicable statutes and regulations regarding physical space, staff training, staff authorization, record keeping, monitoring and other requirements for the use of restraints.

Any use of restraint on a minor exceeding 1 hour in any 24-hour period shall be reviewed within 2 working days by the director of the facility. The director shall forward a copy of the report on each such instance of restraint to the human rights committee of that facility and, if there is no human rights committee, to the appropriate body designated by the commissioner of mental health. The director shall also compile a record of every instance of restraint in the facility and shall forward a copy of said report on a monthly basis to the human rights committee or the body designated by the commissioner of mental health.

No order for restraint for an individual shall be valid for a period of more than 3 hours beyond which time it may be renewed upon personal examination by the superintendent, director, designated physician, designated qualified advanced practice registered nurse, or qualified physician assistant or, for adults, by a registered nurse; provided, however, that no adult shall be restrained for more than 6 hours beyond which time an order may be renewed only upon personal examination by a physician, qualified advanced practice registered nurse or qualified physician assistant. The reason for the original use of restraint, the reason for its continuation

after each renewal and the reason for its cessation shall be noted upon the restraining form by the superintendent, director, designated physician, qualified physician assistant, or, when applicable, by the registered nurse, certified physician, qualified advanced practice registered nurse assistant at the time of each occurrence.

When a designated physician, qualified advanced practice registered nurse, or qualified physician assistant is not present at the time and site of the emergency, an order for chemical restraint may be issued by a designated physician, qualified advanced practice registered nurse, or qualified physician assistant who has determined, after telephone consultation with a physician, qualified advanced practice registered nurse, registered nurse, or qualified physician assistant, who is present at the time and site of the emergency and who has personally examined the patient, that such chemical restraint is the least restrictive, most appropriate alternative available; provided, however, that the medication so ordered has been previously authorized as part of the individual's current treatment plan.

No person shall be kept in restraint without a person in attendance specially trained to understand, assist and afford therapy to the person in restraint. The person may be in attendance immediately outside the room in full view of the patient when an individual is being secluded without mechanical restraint; provided, however, that in emergency situations when a person specially trained is not available, an adult may be kept in restraint unattended for a period not to exceed 2 hours. In that event, the person kept in restraints shall be observed at least every 5 minutes; provided, further, that the superintendent, director, designated physician, designated qualified advanced practice registered nurse or designated physician assistant shall attach to the restraint form a written report as to why the specially trained attendant was not available. The maintenance of any adult in restraint for more than 8 hours in any 24-hour period shall be

authorized by the superintendent or director or the person specifically designated to act in the absence of the superintendent or director; provided, however, that when such restraint is authorized in the absence of the superintendent or director, such authorization shall be reviewed by the superintendent or director upon the return of the superintendent or director.

No "P.R.N." or "as required" authorization of restraint may be written. No restraint is authorized except as specified in this section in any public or private facility for the care and treatment of mentally ill persons including Bridgewater state hospital.

Not later than 24 hours after the period of restraint, a copy of the restraint form shall be delivered to the person who was in restraint. A place shall be provided on the form or on attachments thereto for the person to comment on the circumstances leading to the use of restraint and on the manner of restraint used.

A copy of the restraint form and any such attachments shall become part of the chart of the patient. Copies of all restraint forms and attachments shall be sent to the commissioner of mental health, or, with respect to Bridgewater state hospital to the commissioner of correction, who shall review and sign them within 30 days and statistical records shall be kept thereof for each facility, including Bridgewater state hospital, and each designated physician, qualified advanced practice registered nurse or qualified physician assistant. Furthermore, such reports, excluding personally identifiable patient identification, shall be made available to the general public at the department's central office, or, with respect to Bridgewater state hospital at the department of correction's central office.

Responsibility and liability for the implementation of this section shall rest with the department, the superintendent or director of each facility or the physician, qualified advanced

practice registered nurse or qualified physician assistant designated by such superintendent or director for this purpose.

SECTION 8. Said chapter 123 is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. Physicians, qualified advanced practice registered nurses, qualified physician assistant, qualified psychologists, qualified psychiatric nurse mental health clinical specialists, police officers and licensed independent clinical social workers shall be immune from civil suits for damages for restraining, transporting, applying for the admission of or admitting any person to a facility or Bridgewater state hospital if the physician, qualified advanced practice registered nurse, or qualified physician assistant, qualified psychologist, qualified psychiatric nurse mental health clinical specialist, police officer or licensed independent clinical social workers acts in accordance with this chapter.”

SECTION 9. Section 2 of Chapter 111O of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(c) MIH programs that are focused on behavioral health services shall not be subject to application and registration fees.

SECTION 10. Section 1 of chapter 175 of the General Laws, as amended by chapter 177 of the acts of 2022, is hereby amended by striking out the definition of “Emergency services programs” and inserting in place thereof the following definition:-

“Emergency services programs”, all programs subject to contract between the Massachusetts Behavioral Health Partnership and provider organizations for the provision of

acute care hospital and community-based emergency behavioral health services, including, but not limited to, behavioral health crisis assessment, intervention and stabilization services 24 hours per day, 7 days per week, through: (i) mobile crisis intervention services for youth; (ii) mobile crisis intervention services for adults; (iii) emergency service provider community-based locations; (iv) emergency departments of acute care hospitals or satellite emergency facilities; (v) adult community crisis stabilization services; and (vi) youth community crisis stabilization services.

SECTION 11. Section 47B of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph of subsection (i) and inserting in place thereof the following paragraph:-

For the purposes of this section, "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a licensed nurse mental health clinical specialist; a licensed physician assistant who practices in the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse practitioner, other licensed master's level mental health clinician including but not limited to a licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed marriage and family therapist within the lawful scope of practice for such therapist; or a clinician practicing under the supervision of a licensed professional, and working towards licensure, in a clinic or hospital licensed under chapter 111.

SECTION 12. Section 47SS of chapter 175 of the General Laws, as inserted by chapter 177 of the acts of 2022, is hereby amended by striking subsection (b) and inserting in place thereof the following subsection:-

(b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within or without the commonwealth, which is considered creditable coverage under section 1 of chapter 111M, shall provide coverage for medically necessary mental health services within an inpatient psychiatric facility, a community health center, a community behavioral health center, a community mental health center, an outpatient substance use disorder provider, a hospital outpatient department, a community-based acute treatment, an intensive community-based acute treatment, crisis stabilization services, and youth crisis stabilization services, and shall not require a preauthorization before the administration of such treatment; provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of the admission and the initial treatment plan within three business days of admission; and provided further that services administered prior to notification must be covered. Notification shall be limited to patient's name, facility name, time of admission, diagnosis, and initial treatment plan. Medical necessity shall be determined by the treating clinician in consultation with the patient and noted in the member's medical record.

SECTION 13. Section 8A of chapter 176A of the General Laws, as amended by chapter 177 of the acts of 2022, is hereby amended by striking out the second paragraph of subsection (i) and inserting in place thereof the following paragraph:-

For the purposes of this section, "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed

psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a licensed nurse mental health clinical specialist; a licensed physician assistant who practices in the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse practitioner, other licensed master's level mental health clinician including but not limited to a licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed marriage and family therapist within the lawful scope of practice for such therapist; or a clinician practicing under the supervision of a licensed professional, and working towards licensure, in a clinic or hospital licensed under chapter 111.

SECTION 14. Section 8SS of chapter 176A of the General Laws, as inserted by chapter 177 of the acts of 2022, is hereby amended by striking subsection (b) and inserting in place thereof the following subsection:-

(b) A 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 services within an inpatient psychiatric facility, a community health center, a community behavioral health center, a community mental health center, an outpatient substance use disorder provider, a hospital outpatient department, a community-based acute treatment, an intensive community-based acute treatment, crisis stabilization services, and youth crisis stabilization services, and shall not require a preauthorization before the administration of any such treatment; provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of the admission and the initial treatment plan within three business days of admission; and provided further that services administered prior to notification must be covered. Notification shall be limited to patient's name, facility name, time of admission, diagnosis, and initial treatment plan. Medical necessity

shall be determined by the treating clinician in consultation with the patient and noted in the member's medical record.

SECTION 15. Section 4A of chapter 176B of the General Laws, as amended by chapter 177 of the acts of 2022, is hereby amended by striking out the second paragraph of subsection (i) and inserting in place thereof the following paragraph:-

For the purposes of this section, "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a licensed nurse mental health clinical specialist; a licensed physician assistant who practices in the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse practitioner, other licensed master's level mental health clinician including but not limited to a licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed marriage and family therapist within the lawful scope of practice for such therapist; or a clinician practicing under the supervision of a licensed professional, and working towards licensure, in a clinic or hospital licensed under chapter 111.

SECTION 16. Section 4SS of chapter 176B of the General Laws, as inserted by chapter 177 of the acts of 2022, is hereby amended by striking subsection (b) and inserting in place thereof the following subsection:-

(b) A 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 services within an inpatient psychiatric facility, a community health center, a community behavioral health center, a community mental health center, an outpatient

substance use disorder provider, a hospital outpatient department, a , community-based acute treatment, an intensive community-based acute treatment, crisis stabilization services, and youth crisis stabilization services, and shall not require a preauthorization before obtaining treatment; provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of the admission and the initial treatment plan within three business days of admission; and provided further that services administered prior to notification must be covered. Notification shall be limited to patient's name, facility name, time of admission, diagnosis, and initial treatment plan. Medical necessity shall be determined by the treating clinician in consultation with the patient and noted in the member's medical record.

SECTION 17. Section 4M of chapter 176G of the General Laws, as amended by chapter 177 of the acts of 2022, is hereby amended by striking out the second paragraph of subsection (i) and inserting in place thereof the following paragraph:-

For the purposes of this section, "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a licensed nurse mental health clinical specialist; a licensed physician assistant who practices in the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse practitioner, other licensed master's level mental health clinician including but not limited to a licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed marriage and family therapist within the lawful scope of practice for such therapist; or a clinician practicing under the supervision of a licensed professional, and working towards licensure, in a clinic or hospital licensed under chapter 111.

SECTION 18. Section 4KK of chapter 176G of the General Laws, as inserted by chapter 177 of the acts of 2022, is hereby amended by striking subsection (b) and inserting in place thereof the following subsection: _ -

An individual or group health maintenance contract that is issued or renewed within or without the commonwealth shall provide coverage for medically necessary mental health services within an inpatient psychiatric facility, a community health center, a community behavioral health center, a community mental health center, an outpatient substance use disorder provider, a hospital outpatient department, a community-based acute treatment, an intensive community-based acute treatment, crisis stabilization services, and youth crisis stabilization services, and shall not require a preauthorization before the administration of such treatment; provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of the admission and the initial treatment plan within three business days of admission; and provided further that services administered prior to notification must be covered. Notification shall be limited to patient's name, facility name, time of admission, diagnosis, and initial treatment plan. Medical necessity shall be determined by the treating clinician in consultation with the patient and noted in the member's medical record.

SECTION 21. Notwithstanding any general or special law to the contrary, the division of insurance, in consultation with the division of medical assistance, shall promulgate regulations or issue sub-regulatory guidance, within 30 days of the effective date of this act, to require carriers reimburse acute care hospitals with emergency departments or satellite emergency facilities for the provision of emergency behavioral health services, including but not limited to, behavioral health crisis assessment, intervention, and stabilization services. The regulations or sub-regulatory guidance shall include reimbursement for the provision of emergency behavioral

415 services via telemedicine, electronic or telephonic consultation, in accordance with section 51 $\frac{3}{4}$
416 of chapter 111 of the General Laws. The contractual rate for these services may be no less than
417 the prevailing MassHealth rate for behavioral health emergency department crisis evaluations.
418 This does not preclude a hospital from billing for other medically necessary services traditionally
419 reimbursed through an emergency department visit and is also in addition to required
420 reimbursement by carriers for each day a member waits in an emergency department,
421 observation unit or inpatient floor for placement in an appropriate inpatient psychiatric
422 placement, as required by section 78 of chapter 177 of the acts of 2022. The insurer shall
423 reimburse other medically necessary services and for patients awaiting an inpatient psychiatric
424 placement in addition to payment for emergency behavioral health services. Behavioral health
425 services provided in this setting under this section shall be deemed medically necessary and shall
426 not require prior authorization by an insurer.