

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, FEBRUARY 13, 2020.

JOURNAL OF THE SENATE

Thursday, February 13, 2020.

Met at a quarter past eleven o'clock A.M. (Ms. Creem in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Ms. Creem), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guets.

There being no objection, the Chair (Ms. Creem) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, the Cohasset Boys Cross Country Team. The team was recognized for winning the Division 6 Eastern Massachusetts Championship on November 9, 2019, marking their first Eastern Massachusetts Title in school history. They were led by Senior Captains Sam Keffalinos and Ned Farrington. The Senate applauded their accomplishments and they withdrew from the Chamber.

Cohasset Boys Cross Country Team.

There being no objection, the Chair (Ms. Creem) handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely then introduced, in the rear of the Chamber, Julia Norcross from Beverly. Julia is a homeschooled sophomore who was recognized for her interest in democracy and the political process. She participated in Shadow Day with Representative Parisella's office last year, has campaigned for Beverly Councilor At-Large Julie Flowers and participated in the "Vote 16" Initiative. The Senate welcomed her with applause and she withdrew from the Chamber.

Julia Norcross.

Communication.

Communication from the Office of the Comptroller (pursuant to Section 2TT of Chapter 29 of the General Laws) submitting a copy of its report on the activities of the Liability Management and Reduction Fund (received February 7, 2020),-- was placed on file.

Comptroller,-- LMRF report.. SD2814.

Reports of Committees.

By Ms. Chang-Diaz, for the committee on Cannabis Policy, on Senate, Nos. 1122, 1124, 1127, 1130, 1132 and 2221, an Order relative to authorizing the joint committee on Cannabis Policy to make an investigation and study of certain current Senate documents relative to cannabis policy issues (Senate, No. 2531);

Cannabis Policy committee,-- study.

By Ms. Chang-Diaz, for the committee on Children, Families and Persons with Disabilities, on Senate, Nos. 40, 41, 45, 47, 54, 59, 74, 78 and 2276, an Order relative to authorizing the joint committee on Children, Families and Persons with Disabilities to make an investigation and study of certain current Senate documents relative to children, families and persons with disabilities issues (Senate, No. 2532);

Children, Families and Persons with Disabilities committee,-- study.

By Ms. DiZoglio for the committee on Community Development and Small Businesses, on Senate, Nos. 81, 84, 87, 90, 92, 93, 94, 95, 96, 97 and 2223, an Order relative to authorizing the joint committee on Community Development and Small

Community Development and Small Businesses committee,-- study.

Businesses to make an investigation and study of certain current Senate documents relative to community development and small businesses issues (Senate, No. 2533) [Senator Eldridge dissents inasmuch as relates to Senate, No. 84; Representative McKenna of Webster dissents inasmuch as relates to Senate, No. 90; Representative Provost of Somerville dissents inasmuch as relates to Senate, Nos. 81, 84, 90, 97 and 2223];

Consumer Protection and Professional Licensure committee,-- study.

By Mr. Feeney, for the committee on Consumer Protection and Professional Licensure, on Senate, Nos. 98, 100, 106, 108, 109, 115, 118, 120, 121, 122, 124, 126, 130, 131, 132, 133, 135, 136, 138, 141, 142, 144, 148, 155, 157, 158, 161, 162, 163, 164, 166, 167, 168, 170, 171, 172, 173, 174, 176, 177, 180, 181, 183, 184, 187, 188, 189, 191, 192, 193, 196 and 198, an Order relative to authorizing the joint committee on Consumer Protection and Professional Licensure to make an investigation and study of certain current Senate documents relative to consumer protection and professional licensure issues (Senate, No. 2534);

By Mr. Crighton, for the committee on Housing, on Senate, Nos. 796, 804, 805, 808, 809, 810, 811, 812, 813, 814 and 817, an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to 40B legislation issues (Senate, No. 2526) [Senator O'Connor and Representative DeCoste of Norwell dissenting];

Housing committee,-- 40B study.

By the same Senator, for the same committee, on Senate, Nos. 778, 791, 792, 793, 799, 818, 819 and 985, an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to public housing issues (Senate, No. 2527) [Representative Crocker of Barnstable dissenting];

Housing committee,-- public housing study.

By the same Senator, for the same committee, on Senate, Nos. 781, 782, 790, 795, 801, 802, 2299 and 2389, an Order relative to authorizing the joint committee on Housing to make an investigation and study of certain current Senate documents relative to condominiums, landlord-tenant matters and miscellaneous housing legislation issues (Senate, No. 2528); and

Housing committee,-- study.

By Ms. Rausch, for the committee on Municipalities and Regional Government, on Senate, Nos. 1174, 1175, 1177, 1180, 1187, 1190, 1191, 1195, 1197, 1200 and 2259, an Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to municipalities and regional government issues (Senate, No. 2524);

Municipalities and Regional Government committee,-- study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Gobi, for the committee on Higher Education, on petition (accompanied by bill, Senate, No. 756), a Bill creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities (Senate, No. 2539);

Higher education opportunities,-- developmental disabilities.

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Crighton, for the committee on Housing, on petition, a Bill establishing a building permit surcharge in the town of Concord (Senate, No. 2317) [Local approval received] [Representative DeCoste of Norwell dissenting];

Concord,-- building permit surcharge.

By the same Senator, for the same committee, on petition, a Bill further defining the purposes of the affordable housing trust in the city of Somerville (Senate, No. 2421) [Local approval received] [Representative DeCoste of Norwell dissenting];

Somerville,-- affordable housing.

By Mr. Finegold, for the committee on Public Service, on petition, a Bill relative to removing the position of police chief from civil service (Senate, No. 2402) [Local approval received];

Charlton,-- police chief.

By Mr. Hinds, for the committee on Revenue, on petition, a Bill relative to a perpetual

Middleborough,-- conservation land.

conservation restriction in the town of Middleborough (Senate, No. 1650) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill authorizing the town of Raynham to suspend the collection of boat excise (Senate, No. 1758) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to wind and solar systems within the town of Mattapoisett (Senate, No. 2439) [Local approval received]; and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2243), a Bill relative to the establishment of a Hingham means-tested property tax exemption (Senate, No. 2525) [Local approval received on Senate, No. 2243];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Raynham,-- boat excise.

Mattapoisett,-- solar and wind systems.

Hingham,-- property tax exemption.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4411) of Jeffrey N. Roy (with the approval of the town council) that the city known as the town of Franklin be authorized to exempt all positions in the fire department of said town from the civil service law,-- **was referred, in concurrence, to the committee on Public Service.**

Franklin,-- fire department.

A Bill relative to Westford Home Rule Charter (House, No. 4235,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Westford,-- charter.

Petition.

On motion of Ms. Lovely, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Pacheco, (accompanied by bill, Senate, No. 2535) (subject to Joint Rule 12) of Marc R. Pacheco, Patricia A. Haddad and Norman J. Orrall (with approval of the mayor and city council) for legislation to authorize the department of revenue to approve a revised tax rate for the city of Taunton for the fiscal year 2020,-- **and the same was referred to the committee on Revenue.**

Taunton,-- revised tax rate.

Sent to the House for concurrence.

Quorum.

At eighteen minutes past eleven o'clock A.M., Mr. O'Connor doubted the presence of a quorum.

Quorum.

The Chair (Ms. Creem), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-eight minutes past eleven o'clock A.M., a quorum was declared present.

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill providing for the annual election of school committee members in the Adams-Cheshire Regional School District (see House, No. 634, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.**

Bill laid before Governor.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Diana DiZoglio for legislation to support MassMakers.

MassMakers,-- support. SD2812

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Community Development and Small Businesses.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James B. Eldridge for legislation to establish a sick leave bank for Tracey Pisano, an employee of the trial court of the Commonwealth.

Tracey Pisano,-- sick leave. SD2789

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of William N. Brownsberger for legislation relative to authorizing a local affordable housing surcharge.

Affordable housing,-- surcharge. SD2785

Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The Senate Bill authorizing the Southern Worcester County Regional Vocational School District to enter into solar power generation agreements (Senate, No. 1971),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4317.

Southern Worcester County Regional Vocational School District.

The rules were suspended, on motion of Ms. Lovely, and the House amendment was considered forthwith and adopted, in concurrence.

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration and Regulatory Oversight be granted until Friday, May 1, 2020 within which time to make its final report on current Senate documents numbered 2268, 2352 and 2403, and House documents numbered 36, 2698, 2742 and 4217.

State Administration and Regulatory Oversight,-- extension order.

The rules were suspended, on motion of Mr. Brownsberger, and, after remarks, the order (House, No. 4370) was considered forthwith; and adopted, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the appointing authority of the town of Bridgewater to appoint police cadets (House, No. 3677); and

Second reading bills.

Renaming of the board of selectmen in the town of West Boylston (House, No. 4214);

Were severally read a second time and ordered to a third reading.

The Senate Bill further regulating the appointment of police officers in the town of North Andover (Senate, No. 2263) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

North Andover,-- police officers.

Sent to the House for concurrence.

The House Bill establishing a department of municipal finance in the town of Dennis (House, No. 3635),-- **was read a third time and passed to be engrossed, in concurrence.**

Dennis,-- municipal finance.

The House Bill authorizing the city of Salem to convert a license for the sale of wine and malt beverages to be drunk on the premises to a license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4117),-- was read a third time.

Salem,-- liquor license.

Pending the question on passing the bill to be engrossed, Ms. Lovely offered an amendment inserting after section 1 the following section:-

“SECTION 2. Section 3 of chapter 158 of the acts of 2015 is hereby repealed.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Recess.

At twelve o'clock noon, the Chair (Ms. Creem) declared a recess subject to the call of the Chair; and, at twenty-five minutes before two o'clock P.M., the Senate reassembled, Ms. Creem in the Chair.

Recess.

PAPER FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the mutual release of all claims to certain lands in the town of Newbury (see Senate, No. 2270, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, - was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes before two o'clock P.M., as follows, to wit (yeas 37 - nays 0) **[Yeas and Nays No. 173]:**

Newbury,-- land release.

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.

UNCORRECTED PROOF.

DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

The yeas and nays having been completed at eighteen minutes before two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to mental health parity implementation (Senate, No. 588),-- was read a second time.

The President in the Chair, after remarks and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, Messrs. Tarr and Montigny moved that the proposed new draft be amended by inserting the following section:-

“SECTION . (a) Notwithstanding any general or special law to the contrary, there shall be a pediatric mental health care task force to undertake a comprehensive analysis of the delivery of pediatric mental health services in the commonwealth and make recommendations to improve the availability, access and cost-effectiveness of such services.

(b) The task force shall consist of the following members or a designee: the secretary of health and human services, who shall serve as chair; the assistant secretary for MassHealth; the commissioner of public health; 2 members to be appointed by the senate president; 2 members to be appointed by the speaker of the house of representatives; 1 member to be appointed by the minority leader of the senate; 1 member to be appointed by the minority leader of the house of representatives; and 8 members to be appointed by the governor, 1 of whom shall be a representative of the Massachusetts Health and Hospital Association, Inc., 1 of whom shall be a representative of the Massachusetts Medical Society, 2 of whom shall be representatives of providers of pediatric mental health, 2 of whom shall be representatives of academic medical institutions and 2 of whom shall be representatives of parents or family members of consumers of pediatric mental health services.

(c) The task force shall submit a report of its findings, together with any proposed legislation, not later than August 1, 2020 to the clerks of the senate and the house of representatives, the joint committee on health care financing and the senate and house committees on ways and means.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 174]:**

YEAS.

Barrett, Michael J.
Boncore, Joseph A.

Hinds, Adam G.
Jehlen, Patricia D.

Mental health,--
parity.

1.

UNCORRECTED PROOF.

Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

The yeas and nays having been completed at twenty minutes past two o'clock P.M., the amendment was adopted.

Messrs. Moore, Tarr, Montigny, Feeney and Tran moved that the proposed new draft be amended by inserting the following section:-

5.

"SECTION _____. Section 200 of chapter 233 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of 'Emergency Service provider' and inserting in place thereof the following definition: 'Emergency service provider', an active or retired law enforcement officer, police officer, state police trooper, sheriff or deputy sheriffs, correction officer, firefighter, or emergency medical personnel."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes past two o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 175**]:

YEAS.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.

Friedman, Cindy F.
Gobi, Anne M.

Welch, James T. – 37.

NAYS – 0.

The yeas and nays having been completed at twenty-eight minutes past two o'clock P.M., the amendment was adopted.

Ms. DiZoglio and Mr. O'Connor moved that the proposed new draft be amended by inserting the following sections:-

“SECTION XX. Section 88 of chapter 13 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 4, the number ‘13’, and inserting in place thereof the following number:- 15.

SECTION XX. Section 89 of said chapter 13, as so appearing, is hereby amended by inserting after the word ‘psychologists’, in line 8, the following words:- 2 of whom shall be board certified art therapists.

SECTION XX. Chapter 112 of the General Laws is hereby amended by adding the following section:-

Section 275. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Art therapist’ or ‘certified art therapist’ or ‘board certified art therapist’ or ‘licensed professional art therapist’ or ‘LPAT’, an individual licensed to practice art therapy under this section who offers individuals, families, or groups professional art therapy services directly to the general public, or through public or private organizations. These individuals hold board certification in good standing with the certifying organization.

‘Art therapy’, a mental health discipline that integrates use of psychotherapeutic principles, art media, and the creative process to assist individuals, families or groups in doing all of the following:

- (i) increasing awareness of self and others;
- (ii) coping with symptoms, stress and traumatic experiences;
- (iii) enhancing cognitive, physical, social and emotional abilities; and
- (iv) identifying and evaluating clients’ needs in order to implement therapeutic interventions to meet developmental, behavioral, mental and emotional needs.

‘Art therapy services’, refers to employing art media, the creative process, and the resulting artwork to provide all of the following services:

- (i) clinical appraisal and treatment activities during individual, couples, family or group sessions that provide opportunities for expression through art therapy;
- (ii) the use of art processes and products to facilitate the client’s understanding of internal conflict and the impact on their behavior and relationships; and
- (iii) employing diagnostic and assessment methods, consistent with training and experience, to determine treatment goals and implement therapeutic art interventions that meet developmental, cognitive, behavioral and emotional needs.

‘Board’, the board of allied mental health professions established in section 11A of chapter 13.

‘Certified educational institution’, an accredited degree-granting college or university with a graduate art therapy program recognized by the American Art Therapy Association, the Commission on Accreditation for Allied Health Education Programs, or a graduate program in a related field as recognized by the board.

‘Governing association’, the accreditation board of art therapists, currently being the Art Therapy Credentials Board, a national certifying agency.

‘Licensed associate art therapist’ or ‘LAAT’, an individual licensed as an associate art therapist under this section who obtains supervised experience from a LPAT or other qualified mental health professional approved by the board for at least 3 months, for the

7.

purposes of becoming licensed as a licensed professional art therapist.

‘Supervised experience’, direct consultation, on a regularly scheduled basis, between a supervisee and a LPAT, certified art therapist, or other behavioral health professional, such as LMHC, approved by the board. The board approved supervisor is responsible for insuring that the extent, kind, and quality of services rendered are consistent with the governing association’s guidelines, as well as the supervisee’s education, training, and experience.

(b) The board is required to examine applicants for licensure in the field it supervises at such times and places as it may determine. Applications for such license, signed and sworn by the applicants shall be made on forms furnished by the board. An applicant who furnished satisfactory proof that he or she understands ethical guidelines and Massachusetts law and practices within this scope and that he or she has met the educational and clinical practice requirements set forth in subsection (f), shall, upon payment of a fee determined by the treasurer, be examined by the board, and if found qualified, shall be licensed to practice.

Licenses shall expire every 2 years on the anniversary of the license acquirement. Licensees shall pay to the board a renewal fee determined by the treasurer. The board may require specific continuing education as a condition of the license renewal. The board may provide for the late renewal of a license that has lapsed and may require payment of a late fee, an examination, continuing education, and supervised experience before issuing the renewed license.

(c) A person who meets the qualifications admitted to the examination for licensure as an art therapist, may between the date of filing an application for licensure and the announcement of the results the next succeeding examination for licensure, according to which the applicant has filed, practice as an art therapist under the supervision of an art therapist, mental health counselor, social worker, or the equivalent duly licensed under this chapter. If any person so practicing fails to qualify for or pass the first announced examination after filing for licensure, all privileges under this section shall automatically cease upon due notice to the applicant of such failure. Such privileges shall be renewed upon filling for a second examination for licensure and shall automatically cease upon notice to the applicant that he or she has failed to pass the second examination. Such privileges may again be renewed upon the applicant petitioning the board for permission to file a third application and said permission being granted by the board shall automatically cease upon due notice that he or she has failed to pass the third examination. An applicant who files a further application for license shall not practice until passing such further examination.

(d) The board may, without examination, license as an art therapist, an applicant who is duly licensed or registered under the laws of another state or territory of the United States, the District of Columbia, or the commonwealth of Puerto Rico. At the time of making such application, the applicant shall pay a fee determined by the treasurer of the board. An applicant with a creative arts license in another state or territory shall be required to take and pass an examination to be licensed as an art.

(e) Nothing in this section shall be construed as preventing or restricting the practice, services, or activities of:

(i) any person licensed in this commonwealth by any other statute from engaging in the profession or occupation for which he or she is licensed;

(ii) any person employed as an art therapist or associate art therapist by the United States or any agency of it, if such person provides art therapy solely under the direction or control of the United States government organization by which he or she is employed;

(iii) any person pursuing a supervised course of study leading to a degree or certificate in art therapy at an accredited or approved educational program, if the person is designated

by a title which clearly indicates his or her status as a student or trainee;

(iv) any person fulfilling the supervised field work experience requirements of this section, if the experience constitutes a part of the experience necessary to meet the requirement of that section; or

(v) any person performing art therapy services in the commonwealth if these services are performed for no more than 2 days in a calendar year in association with an art therapist licensed under this section, if the person is licensed under the law of another state which has licensure requirements at least as stringent as the requirements of this section, or is recognized by the governing association as a qualified art therapist.

(f) An applicant for licensure as an art therapist shall complete (i) through (iv) below:

(i) Have completed one of the following:

(1) a master's or doctoral degree in art therapy from an accredited educational institution that was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred; or

(2) a graduate degree in an allied or related field from an accredited educational institution and graduate level work which is the equivalent to a master's degree in art therapy, as determined by the board.

(ii) Following the completion of the master's degree, have successfully accrued no less than 2 years of supervised experience. The experience shall consist of no less than 3,200 hours obtained over a period of not more than 5 consecutive years, including a minimum of 1,000 direct client contact hours.

(iii) Have at least 100 hours of supervision, at least 50 hours shall be completed by a LPAT or certified art therapist, who is also licensed to practice mental health counseling. Additional hours may be supervised by a mental health counselor, social worker or professional licensed in a related mental health field.

(iv) Have passed the board examination of the national certifying agency.

(g) An applicant for licensure as an associate art therapist shall:

(i) Have completed a master's or doctoral degree in art therapy from an accredited educational institution that was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred;

(ii) Be practicing art therapy under an approved supervisor; and

(iii) Successfully accrued a certain amount of supervised pre-master's field work, including direct client contact, and individual and group supervision hours. Minimum hours of individual and group supervision must be provided by supervisors approved by the board. Of these supervised hours, a certain amount must be by a registered art therapist or LPAT.

The LAAT is not a required credential to apply for the LPAT.

The associate art therapy license is effective for a period of 2 years. The license may be renewed up to 5 times.

(h) The board may, after a hearing pursuant to chapter 30, revoke, suspend, cancel the license of or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that said person:

(i) obtained or attempted to obtain a license by fraud or deception;

(ii) has been convicted of a felony or of a crime involving moral turpitude;

(iii) has been grossly negligent in his or her practice of art therapy;

(iv) has been adjudged mentally ill or incompetent by the court of competent jurisdiction;

(v) used drugs or intoxicating liquors to the extent which adversely affects his practice; or

(vi) acted in manner which is professionally unethical according to ethical standards of the profession of art therapy.

(i) Nothing in this section shall be construed as authorizing an art therapist to practice medicine or any other form or method of healing not specified in said section.

The board may adopt reasonable rules and regulations to carry into effect this section and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all persons licensed by it under this section. The roster shall include the licensee's name, last known business and residential address, date of licensing and license number.

The board shall promulgate regulations necessary to regulate and inspect the practice settings of its licensees and may require the practice settings to be licensed by the board if the practice settings are not regulated by the department of public health. Fees for the licensing of any practice setting and renewals thereof shall be determined by the secretary of administrations pursuant to section 3B of chapter 7 and shall be deposited in the Division of Professional Licensure Trust Fund established by section 35V of chapter 10.

(j) No person shall advertise or promote him or herself as an art therapist or shall be able to practice art therapy in this commonwealth unless he or she is licensed in accordance with this section. No person not so licensed may use in connection with his or her name or place of business the letters, 'LPAT' or any other words, letters, abbreviations, or insignia indicating that he or she is an art therapist."

The amendment was *rejected*.

Ms. DiZoglio, Ms. Gobi and Mr. O'Connor moved that the proposed new draft be amended by inserting the following section:

8.

"SECTION XX. No later than 180 days following the effective date of this act, the division of insurance, in conjunction with the executive office of health and human services, the office of Medicaid, and the office of the attorney general, shall develop and issue guidance to assist in the clear and consistent interpretation and enforcement of the applicable provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, referred to in this section as the MHPAEA, and any amendments to, and any federal guidance or regulations relevant to, that act, including 45 CFR Part 146.136, 45 CFR Part 147.136, 45 CFR Part 147.160, and 45 CFR Part 156.115(a)(3), and applicable state mental health parity laws, including but not limited to section 22 of chapter 32A, section 47B of chapter 175, section 8A of chapter 176A, section 4A of chapter 176B and sections 4, 4B and 4M of chapter 176G across the commonwealth. Such guidance shall include clarifying information and illustrative examples of methods, processes, strategies, evidentiary standards, and other factors that carriers may use regarding the development and application of nonquantitative treatment limitations to ensure compliance with the law. In developing the guidance, the division may consult with and solicit feedback from relevant stakeholders and experts on the federal laws and regulations. The division shall publish the guidance on the division's website and provide a copy to the clerks of the house and senate, and the house and senate chairs of the joint committee on mental health, substance use and recovery. Nothing in this section shall prevent implementation of this act."

The amendment was *rejected*.

Mr. Tran moved that the proposed new draft be amended by inserting the following section: -

13.

"Section XX. Section 13 of Chapter 176O of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after subsection (d) the following subsection:-

(e) for any grievance involving a denial of coverage for mental health services, including behavioral health and substance abuse disorder services, the carrier shall, in

addition to all other notices required under this chapter, provide to the insured and to the insured's authorized representative, if any, a statement certifying and specifically describing the following:

(i) That the denial of coverage by carrier, or the carrier's utilization review organization or other subcontracted entity, is in compliance with applicable state parity requirements for providing coverage on a nondiscriminatory basis as defined in Chapter 80 of the Acts of 2000;

(ii) The quantitative and non-quantitative treatment limitations applied during review, and how said limitation criteria comply with state and federal parity regulations, including those codified at 42 U.S. Code § 300gg-26, and regulations implemented pursuant to Section 8K of Chapter 26 of the General Laws; and

(iii) A certification that the carrier's claim processing and utilization review methods complied with the above parity requirements."

The amendment was *rejected*.

Messrs. Timilty and Welch, Ms. Gobi and Messrs. Brady, Eldridge, Feeney, Tran and O'Connor moved that the proposed new draft be amended by inserting in section 57, in line 992 the following:- "1 of whom shall be a representative of the Professional Fire Fighters of Massachusetts," 18.

The amendment was *rejected*.

Messrs. Timilty and Welch, Ms. Gobi and Messrs. Feeney and Tran moved that the proposed new draft be amended by inserting in section 34, line 625 the following:- "(v) the IAFF Center for Excellence for firefighters and police" 19.

After remarks, the amendment was *rejected* .

Messrs. Timilty, Welch, Tarr, Eldridge, Feeney, Tran and O'Connor moved that the proposed new draft be amended by inserting in section 4, line 18 after the word "type" the following words:- "(viii) services for public safety personnel diagnosed with post-traumatic stress disorder". 22.

The amendment was *rejected*.

Messrs. Timilty and Welch, Ms. Gobi and Messrs. Brady, Eldridge, Feeney, Tran and O'Connor moved that the proposed new draft be amended by inserting in section 16, line 297; section 10N, line 392; section 47N, line 653; section 40, line 682; section 43, line 726; section 46, line 758 the following definition:- "'Post-traumatic stress disorder' a disorder that meets the diagnostic criteria for post-traumatic stress, specified by the American Psychiatric Association in the fifth edition of the Diagnostics and Statistics Manual of Mental Disorders, or most recently published editions." 25.

The amendment was *rejected*.

Messrs. Timilty and Welch, Ms. Gobi and Messrs. Brady and O'Connor moved that the proposed new draft be amended by inserting at the end thereof the following section:- 26.

"SECTION XXX. There shall be, subject to appropriation, a pilot program administered by the department of mental health in consultation with health and human services a pilot program to assess the feasibility and advisability of utilizing two-week intensive clinical programs for families of military members that were killed in action, while in service, and/or by suicide during service. The pilot program will focus on the impact of post-traumatic stress disorder, complicated grief, and other associated mental health conditions."

After remarks, the amendment was *rejected*.

Messrs. Timilty, Welch and Tarr, Ms. Gobi and Messrs. Brady and O'Connor moved that the proposed new draft be amended by adding in line 850 after the words "underserved populations" the words:- "including Veterans and military-connected families". 30.

The amendment was *rejected*.

Messrs. Timilty and Welch, Ms. Gobi and Messrs. Brady, Feeney and O'Connor moved that the proposed new draft be amended by inserting a section:- 46.

"SECTION XX. All medical providers in the commonwealth who either elect to or are required to accept Medicare and Medicaid must also accept TRICARE."

After remarks, the amendment was *rejected*.

Messrs. Tarr, Montigny and O'Connor moved that the proposed new draft be amended by inserting the following new section:- 47.

"SECTION_. The department of public health shall promulgate rules and regulations to require hospitals to have access to behavioral health professionals as a condition of licensure".

The amendment was *rejected*.

Ms. Lovely moved that the proposed new draft be amended by adding the following section:- 49.

"SECTION XX. An individual or group health insurance policy providing prescription drug coverage in the state must permit and apply a pro-rated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for a partial supply if the prescriber or pharmacist determines the fill or refill to be in the best interest of the patient and the patient requests or agrees to a partial supply for the purpose of synchronizing the patient's medications.

No individual or group health insurance policy providing prescription drug coverage shall deny coverage for the dispensing of a medication that is dispensed by a network pharmacy on the basis that the dispensing is for a partial supply if the prescriber or pharmacist determines the fill or refill to be in the best interest of the patient and the patient requests or agrees to a partial supply for the purpose of synchronizing the patient's medications. The individual or group health plan must allow a pharmacy to override any denial codes indicating that a prescription is being refilled too soon for the purposes of medication synchronization.

No individual or group health insurance policy providing prescription drug coverage shall use payment structures incorporating pro-rated dispensing fees. Dispensing fees for partially filled or refilled prescriptions shall be paid in full for each prescription dispensed, regardless of any pro-rated copay for the beneficiary or fee paid for alignment services.

After remarks, the amendment was *rejected*.

Ms. Lovely, Ms. Gobi and Mr. O'Connor moved that the proposed new draft be amended in section 53, in line 893, by striking the words "ensure that" and inserting in place thereof the following:- "encourage". 52.

After remarks, the amendment was adopted.

Messrs. Timilty, Welch and O'Connor moved that the proposed new draft be amended by adding at the end the following section:- 67.

"SECTION XX. Medicaid reimbursement rates for licensed mental health providers shall be higher for those providers certified in evidence-based treatments."

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting the following section:- 74.

"SECTION_. Notwithstanding any general or special law to the contrary, the department of public health in consultation with the department of mental health with 60 days of the passage of this act shall analyze the geographic availability of behavioral health professionals and develop a plan to address deficiencies identified by said analysis. Said analysis and plan along with recommendations shall be submitted to the clerks of the house and senate within 60 days after the conclusion of said analysis."

The amendment was *rejected*.

Mr. Tarr, Ms. Gobi, Messrs. Tran and O'Connor moved that the proposed new draft be amended by striking section 31 and inserting in place thereof the following section:-

“SECTION 31. Section 12 of said chapter 118E, as appearing in the 2018 Official Edition, is hereby amended by adding the following four paragraphs:-

The division, in consultation with the division of insurance, shall develop and implement a standard credentialing form substantially similar to the forms and process developed by the division of insurance for use by commercial plans for use by health care providers applying to participate in MassHealth. The division, all contracted entities, health maintenance organizations established under this section and any subcontracted entities shall accept the standard credentialing form as sufficient information necessary to conduct its credentialing process. The division, in consultation with the division of insurance, shall establish uniform standards and methodologies for credentialing of health care providers. The standards shall include, but not be limited to, requirements that, for conducting a credentialing review of a health care provider, the division, all contracted entities, health maintenance organizations established under this section and any subcontracted entities shall: (i) use and accept only the credentialing forms designated by the commissioner; and (ii) review a submitted credentialing form for a health care provider and respond to the health care provider within 20 business days after receiving a completed credentialing request.

Nothing in this section shall prohibit the division, all contracted entities, health maintenance organizations established under this section and any subcontracted entities, from using a credentialing methodology that utilizes an internet webpage, internet webpage portal or similar electronic, internet and web-based system in lieu of a paper form; provided, however, that upon request, a carrier, or any entity that manages or administers benefits for a carrier, shall make a paper credentialing form available to a health care provider.

The division, all contracted entities, health maintenance organizations established under this section and any subcontracted entities, that contracts with another entity to perform some or all of the functions governed by this chapter shall be responsible for ensuring compliance by the contracted entity with this chapter. A failure by the contracted entity to meet the requirements of this chapter shall be the responsibility of the division to remedy and shall subject the carrier to enforcement actions, including financial penalties, authorized under this chapter.” and

By striking section 50 and inserting in place thereof the following section:-

“SECTION 50. Said chapter 176O is hereby further amended by adding the following section:-

Section 29. (a) The bureau of managed care, in consultation with the division of medical assistance, shall develop and implement standard credentialing forms for health care providers. A carrier, or any entity that manages or administers benefits for a carrier, shall accept the standard credentialing form for contracting providers as sufficient information necessary to conduct its credentialing process.

(b) The bureau shall promulgate regulations establishing uniform standards and methodologies for credentialing of health care providers. The regulations shall include, but not be limited to, requirements that, for conducting a credentialing review of a health care provider, a carrier, or any entity that manages or administers benefits for a carrier, shall: (i) use and accept only the credentialing forms designated by the commissioner; and (ii) review a submitted credentialing form for a health care provider and respond to the health care provider within 20 business days after receiving a completed credentialing request.

Nothing in this section shall prohibit a carrier, or any entity that manages or administers benefits for a carrier, from using a credentialing methodology that utilizes an internet webpage, internet webpage portal or similar electronic, internet and web-based

system in lieu of a paper form; provided, however, that upon request, a carrier, or any entity that manages or administers benefits for a carrier, shall make a paper credentialing form available to a health care provider.

(c) A carrier, or an entity that manages or administers benefits for a carrier, that contracts with another entity to perform some or all of the functions governed by this chapter shall be responsible for ensuring compliance by the contracted entity with this chapter. A failure by the contracted entity to meet the requirements of this chapter shall be the responsibility of the carrier to remedy and shall subject the carrier to enforcement actions, including financial penalties, authorized under this chapter.”

After remarks, the amendment was *rejected*.

Messrs. Tarr and Montigny, Ms. Gobi and Mr. O'Connor moved that the proposed new draft be amended by inserting in line 367, after the word “examination”, the following:- “(iii) accepts at least one form of insurance from masshealth, the group insurance commission, or a carrier licensed under chapters 175, 176A, 176B and 176G.”

79.

After remarks, the amendment was *rejected*.

PAPERS FROM THE HOUSE

Orders.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Monday, March 16, 2020 within which time to make its final report on current Senate documents numbered 10, 1667, 1668, 1672, 1679, 1694, 1720, 1727, 1729 and 2318, and House documents numbered 2423, 2457, 2497, 2519, 2530, 2535, 2552, 2592, 2599, 2603, 2610, 2653, 2660, 3637, 3691, 3888 and 4208.

Revenue,-- extension order.

The rules were suspended, on motion of Mr. Hinds, and, after remarks, the order (House, No. 4395) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Tuesday, April 7, 2020 within which time to make its final report on current Senate documents numbered 1631, 1635, 1647, 1649, 1651, 1657, 1682, 1689, 1690, 1709, 1713, 1724, 1731, 1749, 1775 and 1782, and House documents numbered 2391, 2412, 2428, 2429, 2432, 2446, 2450, 2455, 2458, 2483, 2494, 2507, 2529, 2553, 2554, 2555, 2556, 2589, 2607, 2609, 2636, 3617, 3618, 3731, 3732, 3787, 3788 and 4201.

Revenue,-- extension order.

The rules were suspended, on motion of Mr. Hinds, and the order (House, No. 4396) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Thursday, April 30, 2020 within which time to make its final report on current Senate documents numbered 396, 404, 414 and 2471, and House documents numbered 635, 636, 646, 685, 715, 719, 3921 and 4161.

Election Laws,-- extension order.

The rules were suspended, on motion of Mr. Finegold, and, after remarks, the order (House, No. 4377) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Friday, May 1, 2020 within which time to make its final report on current House documents numbered 1416, 1976, 2047, 3573 and 3727.

Public Safety and Homeland Security,-- extension order.

The rules were suspended, on motion of Mr. Moore, and, after remarks, the

order (House, No. 4386) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Higher Education be granted until Friday, March 20, 2020 within which time to make its final report on current Senate documents numbered 737, 741, 744, 752, 754, 758, 765, 769 and 1089, and House documents numbered 43, 481, 1202, 1210, 1211, 1213, 1214, 1215, 1216, 1221, 1229, 1230, 1231, 1240, 1245, 1247 and 1248.

Higher Education,--
extension order.

The rules were suspended, on motion of Ms. Gobi, and, after remarks, the order (House, No. 4357) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Friday, February 28, 2020 within which time to make its final report on current Senate documents numbered 201, 223, 224, 228, 229, 230 and 231, and House documents numbered 68, 366, 368, 372, 373, 375, 376, 377, 378, 379, 386, 387, 389 and 4070.

Economic
Development and
Emerging
Technologies,--
extension order.

The rules were suspended, on motion of Mr. Lesser, and, after remarks, the order (House, No. 4392) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Economic Development and Emerging Technologies be granted until Monday, May 4, 2020 within which time to make its final report on current Senate documents numbered 200, 204, 205, 208, 209, 210, 211, 216, 218 and 2193, and House documents numbered 364, 369, 370, 374, 382, 383, 384, 385, 393 and 3699.

Economic
Development and
Emerging
Technologies,--
extension order.

The rules were suspended, on motion of Mr. Lesser, and, after remarks, the order (House, No. 4393) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Telecommunications, Utilities and Energy be granted until Thursday, June 4, 2020 within which time to make its final report on current House documents numbered 2809, 2810, 2818, 2823, 2836, 2849, 3667 and 3668.

Telecommunications,
Utilities and Energy,-
- extension order.

The rules were suspended, on motion of Mr. Barrett, and, after remarks, the order (House, No. 4378) was considered forthwith; and adopted, in concurrence.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order granting the committee on Telecommunications, Utilities and Energy be granted until June 4, 2020, within which time to make its final report on current Senate documents numbered 1924, 1940, 1950, 1952, 1958, 1959, 1963, 1966, 1969, 2009, 2012, and 2013, and House document numbered 2904, relative to Telecommunication, Utilities & Energy (Senate, No. 2518),-- ought to be adopted.

Telecommunications,
Utilities and Energy,-
- extension order.

The rules were suspended, on motion of Mr. Barrett, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Monday, May 4, 2020 within which time to make its final report on current Senate documents numbered 102, 111, 576, 578, 611, 625, 641 and

Financial Services,--
extension order.

655, and House documents numbered 919, 943, 944, 956, 966, 973, 975, 991, 1013, 1041, 1045, 1055, 1061, 1066, 1067, 1068, 1087, 1104, 3805 and 4044.

The rules were suspended, on motion of Mr. Welch, and, after remarks, the order (House, No. 4345) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Financial Services be granted until Monday, May 4, 2020 within which time to make its final report on current House document numbered 1073.

Financial Services,--
extension order.

The rules were suspended, on motion of Mr. Welch, and the order (House, No. 4356) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Elder Affairs be granted until Monday, March 30, 2020 within which time to make its final report on current Senate documents numbered 349, 352, 358, 365, 366, 376, 381 and 2376, and House documents numbered 600, 601, 605, 609, 610, 611, 618, 625, 630, 3830 and 4063.

Elder Affairs,--
extension order.

The rules were suspended, on motion of Ms. Jehlen, and, after remarks, the order (House, No. 4379) was considered forthwith; and adopted, in concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to mental health parity implementation (Senate, No. 588),-- was further considered.

Pending the question on adoption of the Ways and Means amendment, and pending the main question on ordering the bill to a third reading, Mr. Kennedy, Ms. Gobi and Mr. O'Connor moved that the proposed new draft be amended in section 14, by striking out, in line 84, the words "24 months" and inserting in place thereof the following words:- "36 months, or more frequently if noncompliance is suspected,".

9.

After remarks, the amendment was adopted.

Mr. Tran moved that the proposed new draft be amended by inserting the following section:

10.

"SECTION XX. Notwithstanding any special or general law to the contrary, the office of the attorney general, in consultation with the department of mental health, is hereby authorized and directed to conduct a study of the state anti-discrimination laws, and to make recommendations on the modification of these laws in order to extend such protections to individuals suffering from mental and behavioral health issues.

Said study shall be completed not later than six months following the passage of this act. The attorney general shall submit said study and any recommendations to the clerks of the house and senate and the house and senate committee on ways and means."

The amendment was *rejected*.

Mr. Tran moved that the proposed new draft be amended by inserting the following section: -

11.

"SECTION XX. Chapter 71 of the General Laws is hereby amended by inserting after section 2C the following section:

Section 2D. A public high school or middle school may incorporate an optional mental health promotion component to the comprehensive health education curriculum; provided, however, that the mental health promotion component shall meet comprehensive health education curriculum standards. The mental health promotion component may provide supplemental instruction in areas including, but not limited to, mental health, mental illness, teenage brain development, stress management, physical health, violence

prevention, ecological and community health and overcoming mental illness stigma.”

The amendment was *rejected*.

Mr. Tran, Ms. Gobi and Mr. O'Connor moved that the proposed new draft be amended by inserting the following new section:-

12.

“SECTION XX. Section 16E of chapter 6A of the general laws is hereby amended by inserting the following new section: -

Section 16E. (a) For the purposes of this section the following words shall have the following meanings:

‘Qualified education loan’, any indebtedness, including interest on such indebtedness, incurred to pay tuition or other direct expenses incurred in connection with the pursuit of a certificate, undergraduate or graduate degree by an applicant, but not including loans made by any person related to the applicant.

‘Mental/behavioral health worker’, an individual employed by a mental or behavioral health organization who provides services by supporting individuals’ mental well-being in settings including but not limited to clinics; hospitals; centers for mental and behavioral counseling; correctional or community health centers; at family, child and youth service agencies; and at programs that help individuals affected by addiction, family violence, sexual violence and other traumatic life events.

(b) There shall be a student loan repayment program for mental/behavioral health workers for the purpose of encouraging individuals to enter and continue to work in mental/behavioral service programs. The Executive Office of Health and Human Services shall administer the program in accordance with guidelines promulgated by the Department of Education.

To be eligible for this program, an applicant must be working a minimum of 35 hours per week as a mental/behavioral service worker and have an individual income of no more than \$45,000 per year. Further, individuals must have maintained 12 consecutive months of employment at a minimum of 35 hours per week to be eligible for this program. This program will help defray costs from previously incurred student loans for graduates holding certificate, undergraduate or graduate degrees.

Eligible participants in this program may be reimbursed up to \$1,800 per year based on the amount of loan payments made by the participant towards their qualified education loan. The Commonwealth shall repay the eligible participant’s student loan at a rate not to exceed \$150 per month for a period not to exceed 48 months. Payments by the Commonwealth shall cover loan payments by the eligible participant only during the months in which the mental/behavioral service workers provides services in the Commonwealth.”

The amendment was *rejected*.

Messrs. Tran and O'Connor moved that the proposed new draft be amended by inserting the following section: -

14.

“SECTION XX. Notwithstanding any general or special law to the contrary, the department of public health, in consultation with the department of mental health and the department of veterans’ services, as well as the executive office of elder affairs, shall establish a pilot program to increase veteran and senior access to telebehavioral health services. The program shall provide for a competitive grant program to allow local providers to provide telebehavioral health services through interactive video conferencing technology on-site at local senior centers, as well as veteran services locations, which may be funded through the behavioral health outreach, access and support trust fund established under section 2GGGGG of chapter 29 of the General Laws.

Delivery of behavioral health services shall be provided by a licensed mental health provider through live video conferencing between the provider and an individual patient.

Participating senior centers, veterans’ affairs locations and providers shall follow best practices and ensure the privacy of all participating patients. The department shall, subject to appropriation, provide funding to assist with costs for the participating patients, public school and local providers. The department shall ensure that participating providers seek third-party reimbursement for these services; provided, however, that the inability of a patient to pay for services shall not be a barrier to accessing the program. When identifying criteria for participating sites, the department of public health shall consider: (i) the availability of affordable behavioral health services for seniors and veterans within the geographic region; and (ii) barriers within the geographic region that may prevent seniors and veterans from accessing services outside the school. One year after the implementation of the pilot program, the department of public health shall submit a report on the program’s performance, including, but not limited to: (i) the number of patients participating in the program; (ii) the frequency with which patients use the program; (iii) the cost of the services provided, including the use of support staff; and (iv) the manner in which costs have been supported by third-party reimbursement. The report shall be submitted to the clerks of the senate and the house of representatives, the joint committee of mental health, substance use and recovery, the joint committee on education and the house and senate committees on ways and means.”

The amendment was *rejected*.

Mr. Tran moved that the proposed new draft be amended by inserting in line 993 after the word “Inc.” the following:- “; and 1 of whom shall be a representative of a veteran services organization; and 1 of whom shall be a representative of an elder care association; and 1 of whom shall be a representative of the Massachusetts Municipal Association”.

17.

The amendment was *rejected*.

Messrs. Tran and O'Connor moved that the proposed new draft be amended by striking in line 43 the number “6” and inserting in place thereof the number “5”.

27.

The amendment was *rejected*.

Messrs. Timilty and Welch, Ms. Gobi and Messrs. Feeney, Brady, O'Connor, Eldridge and Tran moved that the proposed new draft be amended in section 51, by inserting after the word “veterans”, in line 837, the following words:- “, individuals with post-traumatic stress disorder, aging adults”; and in section 54, by inserting after the word “orientation”,

28.

In line 923, the following words:- “, status as a veteran, status as an individual with post-traumatic stress disorder, status as an aging adult”; and

In section 55, by inserting after the word “barriers”, in line 938, the following words:- “, status as a veterans, status as an individual with post-traumatic stress disorder, status as an aging adult”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes before five o'clock P.M., on motion of Mr. Timilty, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 176**]:

YEAS.

- | | |
|--------------------------|----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |

Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

The yeas and nays having been completed at twenty-four minutes before five o'clock P.M., the amendment was adopted.

Mr. Brownsberger in the Chair, Ms. Creem, Messrs. Feeney and O'Connor and Ms. Chang-Diaz moved that the proposed new draft be amended by inserting after section 57 the following section:-

“SECTION 57A. For the purposes of this section, the following terms shall have the following meanings unless the context clearly requires otherwise:-

‘Adverse childhood experience’, a potentially traumatic event that occurs in childhood, including, but not limited to: (i) experiencing violence or abuse; (ii) witnessing violence in the home or community; (iii) having a close family member die or attempt or die by suicide; (iv) living with close family member or caregiver with substance use disorder or presenting with behavioral health needs; or (v) experiencing separation from a parent due to divorce, incarceration or child welfare intervention.

‘Trauma’, the result of an event, series of events or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual’s functioning and physical, social, emotional or spiritual well-being.

There shall be an advisory working group to update, amend or select, as appropriate, tools and protocols for the screening of children for trauma and adverse childhood experiences within the developmental and mental health screening protocols applicable to the Early and Periodic Screening, Diagnosis and Treatment benefit. The advisory working group shall be comprised of the following members or their designee: the assistant secretary of MassHealth and the commissioner of insurance, who shall serve as co-chairs; the commissioner of public health; the commissioner of mental health; and the following members to be appointed by the co-chairs, at least 2 of whom shall represent commercial health insurance carriers, at least 2 of whom shall be behavioral health experts, at least 2 of whom shall be developmental pediatric experts, at least 2 of whom shall be child welfare experts and at least 2 of whom shall be child and adolescent stakeholders.

The advisory working group shall consider: (i) existing screening tools used in the MassHealth program, including, but not limited to, those outlined in the MassHealth All Provider Manual Appendix W - Early and Periodic Screening, Diagnosis and Treatment Program Services Medical and Dental Protocols and Periodicity Schedules; (ii) other validated and reliable screening tools with empirical support for reliability, validity, standardization of norms, specificity and sensitivity of measures that assess abuse, neglect, household dysfunction and related indicators, including parental trauma and toxic stress; (iii) validated and reliable screening instruments that meet criteria set forth by the American Academy of Pediatrics and the federal Centers for Medicare and Medicaid Services; (iv) the efficacy and appropriateness of the types of providers authorized to administer screenings; (v) the training required to support authorized providers in the sound and efficient administration of adverse childhood events and trauma screening; (vi)

33.

ways to ensure regular periodic review of protocols for the screening of trauma in children; and (vii) ways to ensure adequate reimbursement for screening children for adverse childhood experiences.

The advisory working group shall hold the first meeting not later than April 1, 2020 and report its findings and recommendations to the clerks of the senate and house or representatives, the joint committee on mental health, substance use and recovery and the joint committee on health care financing not later than December 31, 2020.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before five o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 37 – nays 0) **[Yeas and Nays No. 177]:**

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 37.
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., the amendment was adopted.

Messrs. Pacheco, Montigny, Feeney, Brady and O'Connor moved that the proposed new draft be amended by inserting after section 57 the following section:-

20.

“SECTION 57A. For the purposes of this section, the term ‘dual diagnosis’ shall mean a mental illness and a substance abuse problem occurring simultaneously in the same individual.

There may be, on the campus of Taunton state hospital, a behavioral health emergency department relief pilot program to accept medically stable, high acuity behavioral health and dual diagnosis patients from emergency departments in the southeast region of the commonwealth. Medically stable patients presenting in an emergency department with a high acuity behavioral health condition or a dual diagnosis should be transferred to this pilot program if another appropriate setting cannot be located within 4 hours of admission to the emergency department. Patients admitted to the pilot program shall be cared for until an appropriate placement is found that meets the patient’s needs not more than 14 days after admission to the pilot program. The program shall be operated and staffed by the department of mental health as needed to provide appropriate care. Program protocols and a staffing plan shall be developed during the first 6 months following the effective date of

this act by a committee including the department of mental health, the department of public health, the National Alliance on Mental Illness of Massachusetts, Inc., the Massachusetts Nurses Association and the Emergency Nurses Association. The pilot program may operate for a period of not more than 2 years. The department of mental health shall file a report with the joint committee on mental health, substance use and recovery during the second year of the program to evaluate the success of the program in decreasing emergency department overcrowding in the southeast region of the commonwealth and the quality of care provided in the program. The report may be drafted by an independent entity, utilizing data from the department of mental health and local hospitals in the southeast region of the commonwealth.”.

The amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting the following:-

36.

"SECTION_. There shall be, subject to appropriation, a pilot program administered by the executive office of health and human services to provide for reimbursement for case management for patients with behavioral health issues.

The executive office of health and human services shall submit within 30 days of the conclusion of the pilot program the results of said pilot program along with any recommendations to the joint committee on mental health, substance use and recovery, the joint committee on health care financing, and the clerks of the house and senate."

The amendment was *rejected*.

Messrs. Keenan and O'Connor moved that the proposed new draft be amended in section 57, by inserting after the word "InterQual", in line 997, the following words:- " , Level of Care Utilization System".

45.

After remarks, the amendment was adopted.

Ms. Lovely and Messrs. Tarr, Brady, Montigny, Lesser and O'Connor moved that the proposed new draft be amended by inserting after section 57 the following section:-

48.

"SECTION 57A. Notwithstanding any general or special law to the contrary, the executive office of health and human services, in consultation with the department of mental health, the department of public health, MassHealth, the office of the child advocate and the division of insurance, shall establish an expedited protocol that establishes clear steps and responsibilities to ensure that individuals under the age of 22 in need of inpatient or residential psychiatric treatment are placed in an appropriate facility from an emergency department or satellite emergency facility within 48 hours of admission to the emergency department or satellite emergency facility that shall be incorporated in the regulations required under section 51¾ of chapter 111 of the General Laws.

The protocol shall include, but not be limited to: (i) a behavioral health evaluation to occur, in person or through the use of telehealth technology, within 12 hours of admission to the emergency department or satellite emergency facility; (ii) notification to the department of mental health and the patient's insurance carrier to expedite placement in or admission to an appropriate treatment program or facility upon completion of the behavioral health evaluation; (iii) where appropriate, monitoring, emergent psychiatric intervention and initiation of treatment to stabilize the individual until placement in or admission to an appropriate treatment program or facility; (iv) notification upon discharge from the emergency department or satellite emergency facility to the patient's primary care physician, if known; and (v) recording by the emergency department or satellite emergency facility of the behavioral health evaluation in the patient's electronic medical record upon discharge and making the evaluation directly accessible by other healthcare providers and facilities consistent with federal and state privacy requirements through a secure electronic medical record, health information exchange or other similar software or information

systems.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute past five o'clock P.M., on motion of Ms. Friedman, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 178**]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Tarr, Bruce E. |
| Feeney, Paul R. | Timilty, Walter F. |
| Finegold, Barry R. | Tran, Dean A. |
| Friedman, Cindy F. | Welch, James T. – 37. |
| Gobi, Anne M. | |

NAYS – 0.

The yeas and nays having been completed at five minutes past five o'clock P.M., the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting after section 57 the following section:-

58.

"SECTION 57A. Notwithstanding any general or special law to the contrary, the executive office of public safety and security, in consultation with the department of mental health and the department of public health, shall examine: (i) the availability of behavioral health screening and preliminary treatment in situations necessitating an emergency response from municipal and state police, firefighters or other public safety personnel; (ii) ways to assist municipal and state police; firefighters and other public safety personnel in behavioral health screening and preliminary treatment in an emergency response; and (iii) incentives to support municipal and state police, firefighters and other public safety personnel in participating in behavioral health screening and treatment.

The executive office of public safety and security shall submit the examination and any recommendations to the clerks of the senate and the house of representatives, the joint committee on public safety and homeland security, the joint committee on mental health, substance use and recovery not later than 90 days after the effective date of this act."

The amendment was adopted.

Messrs. Collins and Tarr, Ms. Gobi, Messrs. Welch, Tran, Feeney, Montigny and O'Connor, Ms. Rausch and Mr. Eldridge moved that the proposed new draft be amended by inserting after section 57 the following section:-

42.

“SECTION 57A. Notwithstanding any special or general law to the contrary, there shall be a special commission to review ways to increase consumer access to the behavioral health workforce. The commission shall consider: (i) workforce needs within the

behavioral health field; (ii) identified behavioral health workforce shortages, including, but not limited to, shortages in inpatient and community-based settings; (iii) ways to identify barriers to mental health providers' acceptance of commercial insurance and MassHealth, including, but not limited to, the impact of commercial insurance and MassHealth reimbursement rates and administrative processes; (iv) ways to increase and incentivize the acceptance of commercial insurance and MassHealth by behavioral health providers; (v) the feasibility of requiring acceptance of commercial insurance and MassHealth as a condition of licensure for mental health providers; (vi) recommendations and best practices proven to have the most impact on addressing behavioral health workforce shortages, including, but not limited to, the impact of current rates for behavioral health services and use of peer support groups and alternative therapeutic interventions to supplement existing interventions and pathways of care; and (vii) ways to implement the integration of peer support groups and alternative therapeutic interventions into the existing behavioral health care system.

The commission shall consist of the following members or their designees: the secretary of health and human services, who shall serve as chair; the commissioner of insurance; the assistant secretary for MassHealth; the commissioner of public health; the commissioner of the department of mental health; and the following members to be appointed by the chair, 1 of whom shall be a representative on the Massachusetts Nurses Association, 1 of whom shall be a representative of the Massachusetts Psychiatric Society, Inc., 1 of whom shall be a representative of the Massachusetts Psychological Association, Inc., 1 of whom shall be a representative of the National Association of Social Workers, Inc., 1 of whom shall be a representative of the MAAPPN Massachusetts Association of Advanced Practice Psychiatric Nurses, Inc., 1 of whom shall be a representative of the Massachusetts Mental Health Counselors Association, Inc., 1 of whom shall be a representative of the Association for Behavioral Healthcare, Inc., 1 of whom shall be a representative of The Massachusetts Medical Society, 1 of whom shall be a representative of the National Alliance on Mental Illness of Massachusetts, Inc., 1 of whom shall be a representative of the American Nurses Association Massachusetts, Inc., 1 of whom shall be a representative of Blue Cross and Blue Shield of Massachusetts, Inc., 1 of whom shall be a representative of the Massachusetts Association of Health Plans, Inc., 1 of whom shall be a representative of the Children's Mental Health Campaign, 1 of whom shall be a representative of Massachusetts League of Community Health Centers, Inc., 1 of whom shall be a representative of Massachusetts Association for Mental Health, Inc., 1 of whom shall be a representative of the GPS Group Peer Support, LLC and 1 of whom shall be a representative of the Massachusetts Health and Hospital Association, Inc.

The commission shall submit its findings and recommendations with the clerks of the senate and house of representatives, the joint committee on mental health, substance use and recovery and the joint committee on public health not later than 1 year from the effective date of this act."

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting in line 321 after the word "process" the following:- "The department of public health shall require acute-care hospitals licensed under 51G to annually report to the department the duration of stay in emergency departments or in a satellite emergency facility. The department shall submit said report to the clerks of the house and senate, and the joint committee on mental health, substance use and recovery no later than 30 days after submission by the acute-care hospitals."

59.

The amendment was *rejected*.

Ms. Rausch, Ms. Gobi and Messrs. O'Connor and Feeney moved that the proposed new draft be amended in section 51, in the second paragraph, by adding the following

63.

sentence:- “The report shall be written in non-technical, readily understandable language and shall be made available to the public by posting the report on the department of higher education’s website.”;

In section 52, in the sixth paragraph by adding the following sentence:- “The report shall be written in non-technical, readily understandable language and shall be made available to the public by posting the report on the department’s website.”;

In section 53, in the fifth paragraph by adding the following sentence:- “The report shall be written in non-technical, readily understandable language and shall be made available to the public by posting the report on the department’s website.”; and

In section 55, in the third paragraph by adding the following sentence:- “The report shall be written in non-technical, readily understandable language and shall be made available to the public by posting the report on the office of health equity’s website.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past five o'clock P.M., on motion of Ms. Rausch, as follows, to wit (yeas 37 – nays 0) [**Yeas and Nays No. 179**]:

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
Crighton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Tarr, Bruce E.
Feeney, Paul R.	Timilty, Walter F.
Finegold, Barry R.	Tran, Dean A.
Friedman, Cindy F.	Welch, James T. – 37.
Gobi, Anne M.	

NAYS – 0.

The yeas and nays having been completed at twenty-six minutes past five o'clock P.M., the amendment was adopted.

Messrs. Keenan and O'Connor moved that the proposed new draft be amended in section 32, by inserting after the word “2008”, in line 415, the following words:- “, and applicable state mental health parity laws, including, but not limited to, section 80; provided further, that the non-quantitative treatment limitations shall include the processes, strategies or methodologies for developing and applying the division’s reimbursement rates for mental health and substance use disorder benefits and medical and surgical benefits within each classification of benefits”;

In said section by inserting after the word “benefits”, in line 427, the following words:- “, including, but not limited to, prior authorization, concurrent review, retrospective review, step-therapy, network admission standards, reimbursement rates, network adequacy and geographic restrictions,”; and

62.

In said section by inserting after the word “benefits”, in line 452, the following words:- “ and provider reimbursement rates” and after the word ”benefits”, in line 454, the following words:- “ and provider reimbursement rates”.

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the proposed new draft be amended by inserting after section 57 the following section:-

68.

"SECTION 57A. Notwithstanding any general or special law to the contrary, the department of public health, in consultation with the division of insurance, the department of mental health, the center for health information and analysis and the health policy commission, shall conduct a study on developing a standard release for exchanging confidential behavioral health and substance use disorder information for use by all public and private agencies, departments, corporations or individuals, licensed providers that are involved with the treatment of an individual presenting with behavioral health needs.

The study, together with any legislative recommendations, shall be filed with the clerks of the senate and house of representatives not later than December 31, 2020."

After remarks, the amendment was adopted.

Messrs. Montigny, Feeny and O'Connor moved that the proposed new draft be amended by inserting after section 22 the following section:-

70.

“SECTION 22A. Said chapter 112 is hereby further amended by inserting after section 65F the following section:-

Section 65G. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Applicant’, a licensed health care professional who acknowledges that they have a substance use disorder that impacts their ability to safely practice their profession and submits to the program a completed and signed application form provided by the program for that purpose.

‘Board of Registration’, a board of registration serving in the department of public health pursuant to section 9 of chapter 13 or under the supervision of the commissioner of public health pursuant to section 1.

‘Commissioner’, the commissioner of public health.

‘Department’, the department of public health.

‘License’, a license, registration, authorization or certificate issued by a board of registration.

‘Licensed health care professional’, any individual who holds a license, registration, authorization or certificate issued by a board of registration.

‘Licensing board’, a board of registration that has issued a license, registration, authorization or certificate to a participant.

‘Participant’, a licensed health care professional that has been admitted into the rehabilitation monitoring program under this section.

‘Record of participation’, the materials received and reviewed by the program director, rehabilitation evaluation committee or a licensing board in connection with the application of a licensed health care professional for admission into the program and in connection with the progress of a participant during the program and compliance with an individualized rehabilitation program.

(b) The department shall establish, within the bureau of health professions licensure, a voluntary program for monitoring the rehabilitation of licensed health care professionals who have a substance use disorder. A board of registration that is required to establish a similar rehabilitation program by another law in this chapter may opt to fulfill that requirement by formally adopting the bureau’s program in lieu of establishing its own.

(c) The commissioner shall appoint a rehabilitation evaluation committee consisting of: 1 member who shall be a medical doctor or advanced practice registered nurse with

experience in the treatment of substance use disorders; 3 members who shall be licensed health care professionals with demonstrated experience in the field of substance use disorders; 1 member who shall be a licensed health care professional who has recovered from substance use disorder and has been in sustained recovery for not less than 5 years; and 2 members who shall be representatives of the public knowledgeable about substance use disorders or mental health. Three members of the committee shall constitute a quorum. The committee shall elect a chair and a vicechair. Members of the committee shall serve for terms of 4 years. No member shall be appointed or reappointed to the committee who is licensed to practice by a board of registration and has had any disciplinary or enforcement action taken against them by their respective licensing board during the 5 years preceding their appointment or reappointment to the committee. No current member of any board of registration shall serve on the committee. Meetings of the committee shall not be subject to sections 18 to 25, inclusive, of chapter 30A. The rehabilitation evaluation committee shall:

- (i) receive and review information concerning participants in the program
- (ii) evaluate licensed health care professionals who request to participate in the program and provide recommendations regarding the admission of such licensed health care professionals;
- (iii) review and designate treatment facilities and services to which participants may be referred;
- (iv) make recommendations for each participant as to whether the participant may continue or resume professional practice within the full scope of the participant's license; and

(v) make recommendations for an individualized rehabilitation plan with requirements for supervision and surveillance for each participant.

(d) The department shall employ a program director with demonstrated professional expertise in the field of substance use disorders to oversee participants in the rehabilitation program. The director shall:

- (i) admit eligible licensed health care professionals who request to participate in the program;
- (ii) receive and review information concerning participants in the program;
- (iii) provide each participant with an individualized rehabilitation plan with requirements for supervision and surveillance and update such plan taking into account the participant's compliance with the program and recommendations of the rehabilitation evaluation committee; provided, however, that restrictions or conditions relating to the participant's professional practice shall be approved by the licensing board;
- (iv) call meetings of the rehabilitation evaluation committee as necessary to review the request of licensed health care professionals to participate in the program and review reports regarding participants;

(v) serve as a liaison among the participant, the participant's licensing board, the rehabilitation evaluation committee, approved treatment programs and providers;

(vi) terminate a participant from the program based on the participant's non-compliance with the participant's individualized rehabilitation program or material misrepresentations by the participant concerning the participant's participation in the program or professional practice;

(vii) provide information to licensed health care professionals who request to participate in the program; and

(viii) report to the licensing board of an applicant or participant: (A) an applicant's failure to complete the program's admission process; (B) a participant's admission into the program; (C) a participant's termination from the program; (D) a participant's withdrawal from the program before completion; and (E) the initial restrictions or conditions relating

to the participant's professional practice incorporated into the participant's individualized rehabilitation plan and any changes or removal of such restrictions or conditions during the course of the participant's participation, as well as the basis for such restrictions or conditions.

(e) A licensed health care professional who applies to participate in the program shall acknowledge that they have a substance use disorder that impacts their ability to safely practice their profession and shall agree to comply with an individualized rehabilitation plan to be admitted into the program.

(f) Upon admission of a licensed health care professional into the program, the licensing board may dismiss any pending investigation or complaint against the participant that arises from or relates to the participant's substance use disorder. The licensing board may change the participant's publicly available license status to reflect the existence of non-disciplinary restrictions or conditions. The licensing board may immediately suspend the participant's license as may be necessary to protect the public health, safety and welfare upon receipt of notice from the director that the participant has withdrawn from the program before completion or that the director has terminated the participant from the program.

(g) The record of participation shall not be a public record and shall be exempt from disclosure pursuant to clause Twenty-sixth of section 7 of chapter 4 and chapter 66. In the case of an applicant who fails to complete the application process, a licensing board may use information and documents in the record of participation as evidence in a disciplinary proceeding as may be necessary to protect public health, safety and welfare. In all other instances, the record of participation shall not be subject to subpoena or discovery in any civil, criminal, legislative or administrative proceeding without the prior written consent of the participant. In the case of participants who successfully complete the program, the record of participation shall be destroyed 3 years following the date of successful completion.”.

After remarks, the amendment was adopted.

Ms. Comerford and Messrs. Lewis, Feeney and O'Connor moved that the proposed new draft be amended in section 32, by inserting after the figure “66”, in line 477, the following words:- “; provided, however, that nothing in this section shall limit the authority of the director of Medicaid to use and, if appropriate, make public any final or preliminary examination report, examiner or company work papers or other documents or other information discovered or developed during the course of an examination in the furtherance of any legal or regulatory action that the director may, in their sole discretion, deem appropriate”; and in said section 32, in proposed section 79 of chapter 118E, by adding the following subsection:-

78.

“(h) The division shall evaluate all consumer or provider complaints regarding mental health and substance use disorder coverage for possible parity violations within 3 months of receipt of the complaint.”.

After remarks, the amendment was adopted.

Messrs. Welch and Lewis, Ms. Gobi and Messrs. Tran, O'Connor and Tarr moved that the proposed new draft amended in section 18, in proposed new section 51 ³/₄ of chapter 111, by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

73.

“The regulations shall permit evaluation via telemedicine, electronic or telephonic consultation, as deemed appropriate by the department.

The regulations shall be promulgated after consultation with the department of mental health and the division of medical assistance and shall include, but not be limited to, requirements that individuals under the age of 22 receive an expedited evaluation and stabilization process.”; and

By striking out section 60 and inserting in place thereof the following section:-

“SECTION 60. Section 18 shall take effect on January 1, 2021; provided, however, that the department of public health shall promulgate regulations to implement section 51¾ of chapter 111 of the General Laws not later than October 1, 2020.”.

After remarks, the amendment was adopted.

Ms. Creem and Ms. Chang-Diaz moved that the proposed new draft be amended in section 51, by inserting after the word “veterans”, in line 837, the following words:- “, clients of the department of children and families, incarcerated or formerly incarcerated individuals, including justice-involved youth and emerging adults”;

71.

In section 54, by inserting after the word “orientation”, in line 923, the following words:- “, status as a client of the department of children and families, status as an incarcerated or formerly incarcerated individual, including justice-involved youth and emerging adults”; and

In section 55, by inserting after the word “barriers”, in line 938, the following words:- “, status as a client of the department of children and families, status as an incarcerated or formerly incarcerated individual, including justice-involved youth and emerging adults”.

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new draft be amended in section 14, by striking out, in line 110, the word “2008that” and inserting in place thereof the following words:- “2008 that”;

82..

In section 18, by striking out, in lines 316 and 317, the words “the emergency department, or to” and inserting in place thereof the following words:- “an emergency department or”;

In section 30, by striking out, in line 397, the word “Intensive” and inserting in place thereof the following word:- “intensive”;

In section 32, by striking out, in line 412, the words “, referred to in this section as the non-quantitative treatment limitations,”;

In said section 32, by striking out, in lines 561 and 562, the words “; provided, however, that services delivered in such offices or settings are rendered by a licensed mental health professional”;

In said section 32, by striking out, in line 603, the figure “22” and inserting in place thereof the following figure “21”;

In section 36, by striking out, in lines 632 and 633, the words “evaluation and management” and inserting in place thereof the follow words:- “primary care”;

In section 39, by striking out, in line 667, the words “evaluation and management” and inserting in place thereof the follow words:- “primary care”;

In section 42, by striking out, in line 711, the words “evaluation and management” and inserting in place thereof the follow words:- “primary care”;

In section 45, by striking out, in line 743, the words “evaluation and management” and inserting in place thereof the follow words:- “primary care”;

In section 47, by striking out, in lines 775 and 776, the words “evaluation and management” and inserting in place thereof the follow words:- “primary care”;

In section 40, in proposed section 800 of chapter 176A, by striking out the third and fourth paragraphs; and in section 55, by inserting after the word “health”, in line 957, the second time it appears, the following words:- “, the health policy commission”; and

In section 62, by striking out, in line 1020, the figure “2020” and inserting in place thereof the following figure:- “2021”.

The amendment was adopted.

The pending Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2519, amended) was then ordered to a third reading and read a

third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays,, at nine minutes past five o'clock P.M., on motion of Mr. Cyr, as follows to wit (yeas 38 – nays 0) [Yeas and Nays No. 180]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Michael O. |
| Crighton, Brendan P. | O'Connor, Patrick M. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Spilka, Karen E. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Tran, Dean A. |
| Gobi, Anne M. | Welch, James T. – 38. |

NAYS – 0.

The yeas and nays having been completed at eight minutes past six o'clock P.M., the bill was passed to be engrossed [For text of the bill, printed as amended, see Senate, No . 2546].

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the conveyance of a fee interest in land in the town of Marion (see House, No. 4038) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes past six o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 181]:

Marion,--
land conveyance.

YEAS.

- | | |
|--------------------------|---------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Boncore, Joseph A. | Jehlen, Patricia D. |
| Brady, Michael D. | Keenan, John F. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Chandler, Harriette L. | Lesser, Eric P. |
| Chang-Diaz, Sonia | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |

UNCORRECTED PROOF.

Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 37.

NAYS – 0.

The yeas and nays having been completed at eleven minutes past six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Feeney--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of Mr. Lesser, at twelve minutes past six o'clock P.M., the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.