

HOUSE No. 1156

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas and Kate Donaghue

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to opioid use disorder treatment and rehabilitation coverage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/18/2023</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/19/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/26/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/27/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/9/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/15/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>2/24/2023</i>

HOUSE No. 1156

By Representatives Vargas of Haverhill and Donaghue of Westborough, a petition (accompanied by bill, House, No. 1156) of Andres X. Vargas, Kate Donaghue and others relative to opioid use disorder treatment and rehabilitation. Financial Services.

The Commonwealth of Massachusetts

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

An Act relative to opioid use disorder treatment and rehabilitation coverage.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 2RRRR of chapter 29 of the General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by inserting after the word “services”,
3 in line 6, the following words:- , including certain non-profit substance use disorder treatment
4 facilities pursuant to section 19E of chapter 94C,.

5 SECTION 2. Chapter 32A of the General Laws is hereby amended by inserting after
6 section 17R, as inserted by section 2 of chapter 260 of the acts of 2020, the following section:-

7 Section 17S. Any coverage offered by the commission to an active or retired employee of
8 the commonwealth insured under the group insurance commission shall provide coverage for
9 prescribed or dispensed opioid antagonists as defined in section 19B of chapter 94C, and opioid
10 agonist treatment, including partial agonist treatment. The prescribed or dispensed drug in this
11 section shall be deemed medically necessary and shall not require prior authorization. Said drug
12 shall not be subject to deductible, coinsurance, copayments or out-of-pocket limits. The

13 commission shall reimburse providers, including but not limited to acute care hospitals,
14 freestanding psychiatric facilities, and substance use disorder facilities, that dispense opioid
15 antagonist, opioid agonist treatment and partial agonist treatment directly to the patient.

16 SECTION 2. Chapter 94C of the General Laws is hereby amended by inserting after
17 section 19D the following section:-

18 Section 19E. (a) For the purposes of this section, the following words shall, unless the
19 context clearly requires otherwise, have the following meanings:

20 “Opioid antagonist”, as defined in section 19B.

21 “Substance use disorder treatment facility”, nonprofit or for-profit facilities that offer: (i)
22 acute treatment services and detoxification services; (ii) clinical stabilization services; (iii)
23 transitional support services; (iv) residential support services; or (v) outpatient counseling
24 services.

25 (b) Upon discharge of a patient from a substance use disorder treatment facility, the
26 facility shall prescribe and dispense no less than 2 doses of an opioid antagonist to the patient or
27 a legal guardian.

28 (c) The department of public health may subject to appropriation provide, at no cost to
29 the substance use disorder treatment facility, opioid antagonists to nonprofit substance use
30 disorder treatment facilities to be dispensed to patients pursuant to this section.

31 SECTION 3. Section 25J½ of chapter 111 of the General Laws, as appearing in the 2020
32 Official Edition, is hereby amended by inserting after the first paragraph the following
33 paragraph:-

34 Upon discharge of a patient who has a history of or is actively using opioids, diagnosed
35 with opioid use disorder or who experienced an opioid-related overdose, the acute care hospital
36 or satellite emergency facility shall prescribe or dispense no less than 2 doses of an opioid
37 antagonist to the patient and notify the patient’s primary care physician or preferred care
38 provider in consultation with the patient, if known. For the purposes of this section, “opioid
39 antagonist” shall be as defined in section 19B of chapter 94C.

40 SECTION 4. Said chapter 111 is hereby amended by adding the following section:-

41 Section 243. The department shall, subject to appropriation, purchase doses of opioid
42 antagonists, as defined in section 19B of chapter 94C, for distribution to acute care hospitals,
43 community behavioral health centers and nonprofit substance use disorder treatment facilities
44 pursuant to section 19E of chapter 94C.

45 The department shall notify said nonprofit substance use disorder treatment facilities that
46 they may participate in the Municipal Naloxone Bulk Purchase Trust Fund pursuant to section
47 2RRRR of chapter 29.

48 SECTION 5. Chapter 118E of the General Laws is hereby amended by inserting after
49 section 10N, as inserted by section 39 of said chapter 260, the following section:-

50 Section 10O. The division and its contracted health insurers, health plans, health
51 maintenance organizations, behavioral health management firms and third-party administrators
52 under contract to a Medicaid managed care organization, accountable care organization, or
53 primary care clinician plan shall provide coverage for prescribed or dispensed opioid antagonists,
54 as defined in section 19B of chapter 94C, and opioid agonist treatment, including partial agonist
55 treatment. The prescribed or dispensed drug in this section shall be deemed medically necessary

56 and shall not require prior authorization. Said drug shall not be subject to any deductible,
57 coinsurance, copayments or out-of-pocket limits. The division and its contracted health insurers,
58 health plans, health maintenance organizations, behavioral health management firms and third-
59 party administrators shall reimburse providers, including but not limited to acute care hospitals,
60 freestanding psychiatric facilities, and substance use disorder facilities, that dispense opioid
61 antagonist, opioid agonist treatment and partial agonist treatment directly to the patient.

62 SECTION 6. Chapter 175 of the General Laws is hereby amended by inserting after
63 section 47NN, as inserted by section 47 of said chapter 260, the following section:-

64 Section 47OO. Any policy, contract, agreement, plan or certificate of insurance issued,
65 delivered or renewed within the commonwealth, which is considered creditable coverage under
66 section 1 of chapter 118M, shall provide coverage for prescribed or dispensed opioid antagonists,
67 as defined in section 19B of chapter 94C, and opioid agonist treatment, including partial agonist
68 treatment. The prescribed or dispensed drug in this section shall be deemed medically necessary
69 and shall not require prior authorization. Said drug shall not be subject to any deductible,
70 coinsurance, copayments or out-of-pocket limits. The policy, contract, agreement, plan or
71 certificate of insurance shall reimburse providers, including but not limited to acute care
72 hospitals, freestanding psychiatric facilities, and substance use disorder facilities, that dispense
73 opioid antagonist, opioid agonist treatment and partial agonist treatment directly to the patient.

74 SECTION 7. Chapter 176A of the General Laws is hereby amended by inserting after
75 section 8OO, as inserted by section 48 of said chapter 260, the following section:-

76 Section 8PP. Any contract between a subscriber and the corporation under an individual
77 or group hospital service plan that is delivered, issued, or renewed within the commonwealth

78 shall provide, coverage for prescribed or dispensed opioid antagonists, as defined in section 19B
79 of chapter 94C, and opioid agonist treatment, including partial agonist treatment. The prescribed
80 or dispensed drug in this section shall be deemed medically necessary and shall not require prior
81 authorization. Said drug shall not be subject to any deductible, coinsurance, copayments or out-
82 of-pocket limits. The contract shall reimburse providers, including but not limited to acute care
83 hospitals, freestanding psychiatric facilities, and substance use disorder facilities, that dispense
84 opioid antagonist, opioid agonist treatment and partial agonist treatment directly to the patient.

85 SECTION 8. Chapter 176B of the General Laws is hereby amended by inserting after
86 section 40O, as inserted by section 50 of said chapter 260, the following section:-

87 Section 4PP. Any subscription certificate under an individual or group medical service
88 agreement delivered or issued or renewed in the commonwealth, shall provide coverage for
89 prescribed or dispensed opioid antagonists, as defined in section 19B of chapter 94C, and opioid
90 agonist treatment, including partial agonist treatment. The prescribed or dispensed drug in this
91 section shall be deemed medically necessary and shall not require prior authorization. Said drug
92 shall not be subject to any deductible, coinsurance, copayments or out-of-pocket limits. The
93 subscription certificate shall reimburse providers, including but not limited to acute care
94 hospitals, freestanding psychiatric facilities, and substance use disorder facilities, that dispense
95 opioid antagonist, opioid agonist treatment and partial agonist treatment directly to the patient.

96 SECTION 9. Chapter 176G of the General Laws is hereby amended by inserting after
97 section 4GG, as inserted by section 52 of said chapter 260, the following section:-

98 Section 4HH. An individual or group health maintenance contract that is issued or
99 renewed within or without the commonwealth shall provide coverage for prescribed or dispensed

100 opioid antagonists, as defined in section 19B of chapter 94C, and opioid agonist treatment,
101 including partial agonist treatment. The prescribed or dispensed drug in this section shall be
102 deemed medically necessary and shall not require prior authorization. Said drug shall not be
103 subject to any deductible, coinsurance, copayments or out-of-pocket limits. The individual or
104 group health maintenance contract shall reimburse providers, including but not limited to acute
105 care hospitals, freestanding psychiatric facilities, and substance use disorder facilities, that
106 dispense opioid antagonist treatment, opioid agonist treatment and partial agonist treatment
107 directly to the patient.

108 SECTION 11. Notwithstanding any general or special law to the contrary, the division of
109 insurance, in consultation with the division of medical assistance, shall promulgate regulations or
110 issue sub-regulatory guidance to require carriers reimburse providers, including but not limited
111 to acute care hospitals, freestanding psychiatric facilities, and substance use disorder facilities,
112 for opioid antagonist and opioid agonist treatment, including partial agonist treatment, dispensed
113 directly to the patient.