

HOUSE No. 01175

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balsler

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 passage of the accompanying bill:

An Act providing for linguistically appropriate mental health services.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Ruth B. Balsler

12th Middlesex

James J. O'Day

14th Worcester

Ellen Story

3rd Hampshire

HOUSE No. 01175

By Ms. Ruth B. Balser of Newton, petition (accompanied by bill, House, No. 01175) of James J. O'Day and others relative to mental health services provided by certain insurance policies. Joint Committee on Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing for linguistically appropriate mental health services.

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

1 SECTION 1. Section 22 of chapter 32A of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the
3 following three subsections:-

4 (j) The commission shall provide for linguistically appropriate mental health benefits. The
5 commission shall make every effort to include in its network licensed mental health
6 professionals who are qualified to provide linguistically appropriate mental health benefits. In
7 instances where there are no qualified licensed mental health professionals within the network,
8 the commission or the insured shall arrange for such benefits with a qualified mental health
9 professional outside the network, to be reimbursed at the same benefit level. If there are no
10 qualified licensed mental health professionals either in the network or out of network, the

11 commission shall provide documentation to the department of mental health that good faith
12 efforts were made to locate a provider within the same geographic area.

13 (k) For the purposes of this section, "licensed mental health professional" shall mean a licensed
14 physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed
15 independent clinical social worker, a licensed mental health counselor or a licensed nurse mental
16 health clinical specialist, and "linguistically appropriate mental health benefits" shall mean
17 mental health benefits that are provided in the primary or preferred language of the patient, for
18 the purpose of effective communication and treatment outcomes.

19 (l) The commission shall, under chapter 30A, promulgate and may, from time to time, revise
20 rules and regulations that may be necessary to carry out this section. The regulations shall
21 include standards for qualified licensed mental health professionals.

22 SECTION 2. Section 47B of chapter 175 of the General Laws, as appearing in the 2008 Official
23 Edition, is hereby amended by striking out the last two paragraphs and inserting in place thereof
24 the following four subsections:-

25 (j) Any such policy shall provide for linguistically appropriate mental health benefits. An insurer
26 shall make every effort to include in its network licensed mental health professionals who are
27 qualified to provide linguistically appropriate mental health benefits. In instances where there are
28 no qualified licensed mental health professionals within the network, the insurer or the insured
29 shall arrange for such benefits with a qualified mental health professional outside the network, to
30 be reimbursed at the same benefit level. If there are no qualified licensed mental health
31 professionals either in the network or out of network, the insurer shall provide documentation to

32 the department of mental health that good faith efforts were made to locate a provider within the
33 same geographic area.

34 (k) For the purposes of this section, a "licensed mental health professional" shall mean a licensed
35 physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed
36 independent clinical social worker, a licensed mental health counselor or a licensed nurse mental
37 health clinical specialist, and "linguistically appropriate mental health benefits" shall mean
38 mental health benefits that are provided in the primary or preferred language of the patient, for
39 the purpose of effective communication and treatment outcomes.

40 (l) For the purposes of this section, psychopharmacological services and neuropsychological
41 assessment services shall be treated as medical benefits and shall be covered in a manner
42 identical to all other medical services.

43 (m) The department of mental health, in consultation with the division of insurance shall, under
44 chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be
45 necessary to carry out this section. The regulations shall include standards for qualified licensed
46 mental health professionals.

47 SECTION 3. Section 8A of chapter 176A of the General Laws, as so appearing, is hereby
48 amended by striking out the last two paragraphs and inserting in place thereof the following four
49 subsections:-

50 (j) Any such contract shall provide linguistically appropriate mental health benefits. A non-profit
51 hospital service corporation shall make every effort to include in its network licensed mental
52 health professionals who are qualified to provide linguistically appropriate mental health
53 benefits. In instances where there are no qualified licensed mental health professionals within the

54 network, a non-profit hospital service corporation or the subscriber shall arrange for such
55 benefits with a qualified mental health professional outside the network, to be reimbursed at the
56 same benefit level. If there are no qualified licensed mental health professionals either in the
57 network or out of network, the non-profit hospital service corporation shall provide
58 documentation to the department of mental health that good faith efforts were made to locate a
59 provider within the same geographic area.

60 (k) For the purposes of this section, a "licensed mental health professional" shall mean a licensed
61 physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed
62 independent clinical social worker, a licensed mental health counselor or a licensed nurse mental
63 health clinical specialist, and "linguistically appropriate mental health benefits" shall mean
64 mental health benefits that are provided in the primary or preferred language of the patient, for
65 the purpose of effective communication and treatment outcomes.

66 (l) For the purposes of this section, psychopharmacological services and neuropsychological
67 assessment services shall be treated as medical benefits and shall be covered in a manner
68 identical to all other medical services.

69 (m) The department of mental health, in consultation with the division of insurance shall, under
70 chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be
71 necessary to carry out this section. The regulations shall include standards for qualified licensed
72 mental health professionals.

73 SECTION 4. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby
74 amended by striking out the last two paragraphs and inserting in place thereof the following four
75 subsections:-

76 (j) Any such contract shall provide linguistically appropriate mental health benefits. A non-profit
77 medical service corporation shall make every effort to include in its network licensed mental
78 health professionals who are qualified to provide linguistically appropriate mental health
79 benefits. In instances where there are no qualified licensed mental health professionals within the
80 network, a non-profit medical service corporation or the subscriber shall arrange for such
81 benefits with a qualified mental health professional outside its network, to be reimbursed at the
82 same benefit level. If there are no qualified licensed mental health professionals either in the
83 network or out of network, the non-profit medical service corporation shall provide
84 documentation to the department of mental health that good faith efforts were made to locate a
85 provider within the same geographic area.

86 (k) For the purposes of this section, a "licensed mental health professional" shall mean a licensed
87 physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed
88 independent clinical social worker, a licensed mental health counselor or a licensed nurse mental
89 health clinical specialist, and "linguistically appropriate mental health benefits" shall mean
90 mental health benefits that are provided in the primary or preferred language of the patient, for
91 the purpose of effective communication and treatment outcomes.

92 (l) For the purposes of this section, psychopharmacological services and neuropsychological
93 assessment services shall be treated as medical benefits and shall be covered in a manner
94 identical to all other medical services.

95 (m) The department of mental health, in consultation with the division of insurance shall, under
96 chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be

97 necessary to carry out this section. The regulations shall include standards for qualified licensed
98 mental health professionals.

99 SECTION 5. Section 4M of chapter 176G of the General Laws, as so appearing, is hereby
100 amended by striking out the last two paragraphs and inserting in place thereof the following four
101 subsections:-

102 (j) Any such contract shall provide linguistically appropriate mental health benefits. A health
103 maintenance organization shall make every effort to include in its network licensed mental health
104 professionals who are qualified to provide linguistically appropriate mental health benefits. In
105 instances where there are no qualified licensed mental health professionals within the network, a
106 health maintenance organization or the member shall arrange for such benefits with a qualified
107 mental health professional outside the network, to be reimbursed at the same benefit level. If
108 there are no such qualified licensed mental health professional either in the network, or out of
109 network, the insurer shall be required to provide documentation to the department of mental
110 health that good faith efforts were made to locate such provider within the same geographic area.

111 (k) For the purposes of this section, a "licensed mental health professional" shall mean a licensed
112 physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed
113 independent clinical social worker, a licensed mental health counselor or a licensed nurse mental
114 health clinical specialist, and "linguistically appropriate mental health benefits" shall mean
115 mental health benefits that are provided in the primary or preferred language of the patient, for
116 the purpose of effective communication and treatment outcomes.

117 (l) For the purposes of this section, psychopharmacological services and neuropsychological
118 assessment services shall be treated as medical benefits and shall be covered in a manner
119 identical to all other medical services.

120 (m) The department of mental health, in consultation with the division of insurance shall, under
121 chapter 30A, promulgate and may, from time to time, revise rules and regulations that may be
122 necessary to carry out this section. The regulations shall include standards for qualified licensed
123 mental health professionals.