## HOUSE . . . . . . . . . . . . . . No. 1302

## The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 applied behavioral health clinic rates.

PETITION OF:

NAME:DISTRICT/ADDRESS:DATE ADDED:James J. O'Day14th Worcester2/16/2021

## **HOUSE**

No. 1302

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 1302) of James J. O'Day relative to the rates of payment for mental health services. Health Care Financing.

## The Commonwealth of Alassachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

An Act relative to applied behavioral health clinic rates.

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

- SECTION 1. Chapter 118E of the General Laws is hereby amended by inserting after
- 2 13D the following section:-
- 3 Section 13D  $\frac{1}{2}$ .
- 4 (a) For the purposes of this section, the following words shall have the following 5 meanings:
- 6 "Behavioral health services", evaluation, diagnosis, treatment, care coordination,
- 7 management, or peer support of patients with mental health, developmental or substance use
- 8 disorders.
- 9 "Community behavioral health center", a clinic licensed by the Department of Public
- Health pursuant to Sections 3 and 51 through 56 of Chapter 111 of the General Laws and
- regulated pursuant to title 130 of the code of Massachusetts regulations section 140, subsection
- 12 E.

13 "Division", Division of Medical Assistance. 14 "Minimum payment rates", rates of payment for services below which managed care 15 entities may not enter into provider agreements. 16 (b) The Division shall establish rates of payment for behavioral health services pursuant 17 to Sections 13C and 13D that are at 120% of the rate schedule for non-community behavioral 18 health centers for each service code for which the Division establishes a rate. 19 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after 20 13K the following new section:-21 Section 13L. (a) For the purposes of this section, the following words shall have the 22 following meanings: 23 "Managed Care Entity", all contracted health insurers, health plans, health maintenance 24 organizations, behavioral health management firms and third party administrators under contract 25 to a Medicaid managed care organization or primary care clinician plan, and accountable care 26 organizations. 27 "Behavioral health services", evaluation, diagnosis, treatment, care coordination, 28 management or peer support of patients with mental health, developmental or substance use 29 disorders. 30 "Community behavioral health center", a clinic licensed by the Department of Public 31 Health pursuant to Sections 3 and 51 through 56 of Chapter 111 of the General Laws and 32 regulated pursuant to title 130 of the code of Massachusetts regulations section 140, subsection

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E.

34 "Division", Division of Medical Assistance.

"Minimum payment rates", rates of payment for services below which managed care entities may not enter into provider agreements.

- (b) The Division shall direct its Managed Care Entities to pay minimum payment rates for behavioral health services that are initially 105% per procedure code of the minimum rates of payment in place as of January 1, 2021. The Division shall review these minimum rates biennially.
- (c) The Division shall direct its Managed Care Entities to pay minimum payment rates for behavioral health services delivered in community behavioral health centers at 120% of the minimum payment rates for non-community behavioral health centers for each service code which a rate is established pursuant to paragraph (b).