

HOUSE No. 1734

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia

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 removing administrative barriers to behavioral health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>

HOUSE No. 1734

By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 1734) of Elizabeth A. Malia and others relative to prior authorization requirements for inpatient mental health services within the MassHealth program. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act removing administrative barriers to behavioral 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 19 of Chapter 118E, as appearing in the 2016 Official Edition, is
2 hereby amended by adding after the first paragraph, the following new paragraph:-

3 The division and its contracted health insurers, health plans, health maintenance
4 organizations, behavioral health management firms and third party administrators under contract
5 to a Medicaid managed care organization or primary care clinician plan shall not require
6 preauthorization or prior authorization before obtaining medically necessary mental health
7 services within an inpatient psychiatric facility licensed by the Department of Mental Health;
8 provided that the facility shall provide the division or its contractors notification of admission
9 within 48 hours of admission; provided further, that utilization review procedures may be
10 initiated after 48 hours of admission; and provided further, that Emergency Service Program
11 teams, so-called, as contracted through MassHealth to conduct behavioral health screenings,
12 shall not be considered a preauthorization or prior authorization requirement pursuant to any

- 13 admission under this section. Medical necessity shall be determined by the treating healthcare
- 14 provider and noted in the member's medical record.