

HOUSE No. 2065

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 adoption of the accompanying bill:

An Act to update mental health parity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/21/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/24/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>3/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/1/2021</i>

HOUSE No. 2065

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 2065) of Ruth B. Balsler and others for legislation to provide mental health benefits on a nondiscriminatory basis to certain residents of the Commonwealth. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

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

An Act to update mental health parity.

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 2006
2 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
3 the following subsection:-

4 (a) The commission shall provide to any active or retired employee of the
5 commonwealth who is insured under the group insurance commission coverage on a
6 nondiscriminatory basis for the diagnosis and medically necessary treatment of any mental
7 disorder including autism spectrum disorder, as described in the most recent edition of the
8 Diagnostic and Statistical Manual of Mental Disorders (DSM) or the most current version of the
9 International Classification of Diseases (ICD)

10 SECTION 2. Said section 22 of said chapter 32A, as so appearing, is hereby further
11 amended by striking out subsection (b).

12 SECTION 3. Section 47B of chapter 175 of the General Laws, as so appearing, is hereby
13 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

14 (a) Section 47B. (a) An individual policy of accident and sickness insurance issued
15 pursuant to section 108, which provides hospital expense and surgical expense insurance, and a
16 group blanket or general policy of accident and sickness insurance issued pursuant to section
17 110, which provides hospital expense and surgical expense insurance, which is issued or
18 renewed within or without the commonwealth, shall provide mental health benefits on a
19 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a
20 principal place of employment in the commonwealth coverage on a nondiscriminatory basis for
21 the diagnosis and medically necessary treatment of any mental disorder including autism
22 spectrum disorder, as described in the most recent edition of the Diagnostic and Statistical
23 Manual of Mental Disorders (DSM) or the most current version of the International
24 Classification of Diseases (ICD)

25 (b) An individual policy of accident and sickness insurance issued pursuant to section
26 108, which provides hospital expense and surgical expense insurance, and a group blanket or
27 general policy of accident and sickness insurance issued pursuant to section 110, which provides
28 hospital expense and surgical expense insurance, which is issued or renewed within or without
29 the commonwealth, shall provide mental health benefits on a nondiscriminatory basis to
30 residents of the commonwealth and to all policyholders having a principal place of employment
31 in the commonwealth for the diagnosis and medically necessary and active treatment of any
32 mental disorder, as described in the most recent edition of the the Diagnostic and Statistical
33 Manual of Mental Disorders (DSM) or the most current version of the International
34 Classification of Diseases (ICD)

35 SECTION 4 . Said section 47B of said chapter 175, as so appearing, is hereby further
36 amended by striking out subsection (b).

37 SECTION 5. Section 8A of chapter 176A of the General Laws, as appearing in the 2006
38 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
39 the following subsection:-

40 Section 8A. (a) A contract between a subscriber and the corporation under an individual
41 or group hospital service plan which is issued or renewed within or without the commonwealth
42 shall provide mental health benefits on a nondiscriminatory basis to residents of the
43 commonwealth and to all individual subscribers and members and group members having a
44 principal place of employment in the commonwealth for the diagnosis and medically necessary
45 treatment of any mental disorder including autism spectrum disorder, as described in the most
46 recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the most
47 current version of the International Classification of Diseases (ICD)

48 A contract between a subscriber and the corporation under an individual or group hospital
49 service plan which is issued or renewed within or without the commonwealth shall provide
50 mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all
51 individual subscribers and members and group members having a principal place of employment
52 in the commonwealth for the diagnosis and medically necessary treatment of any mental
53 disorder, as described in the most recent edition of the Diagnostic and Statistical Manual of
54 Mental Disorders (DSM) or the most current version of the International Classification of
55 Diseases (ICD)

56 SECTION 6. Section 8A of chapter 176A of the General Laws, as appearing in the 2006
57 Official Edition, is hereby amended by striking out subsection (b)

58 SECTION 7. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby
59 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

60 (a) A subscription certificate under an individual or group medical service agreement
61 which is issued or renewed within or without the commonwealth shall provide mental health
62 benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual
63 subscribers and members within the commonwealth and to all group members having a principal
64 place of employment in the commonwealth for the diagnosis and medically necessary treatment
65 of any mental disorder including autism spectrum disorder, as described in the most recent
66 edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the most current
67 version of the International Classification of Diseases (ICD)

68 A subscription certificate under an individual or group medical service agreement which
69 is issued or renewed within or without the commonwealth shall provide mental health benefits on
70 a nondiscriminatory basis to residents of the commonwealth and to all individual subscribers and
71 members within the commonwealth and to all group members having a principal place of
72 employment in the commonwealth for the diagnosis and medically necessary treatment of any
73 mental disorder, as described in the most recent edition of the DSM, that is approved by the
74 commissioner of mental health.

75 SECTION 8. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby
76 amended by striking out subsection (b)

77 SECTION 9. Section 4M of said chapter 176G, as so appearing, is hereby further
78 amended by striking out subsection (a) and inserting in place thereof the following subsection:—

79 (a) A health maintenance contract issued or renewed within or without the
80 commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of
81 the commonwealth and to all members or enrollees having a principal place of employment in
82 the commonwealth for the diagnosis and and medically necessary treatment of any mental
83 disorder including autism spectrum disorder, as described in the most recent edition of the
84 Diagnostic and Statistical Manual of Mental Disorders (DSM) or the most current version of the
85 International Classification of Diseases (ICD)

86 A health maintenance contract issued or renewed within or without the commonwealth
87 shall provide mental health benefits on a nondiscriminatory basis to residents of the
88 commonwealth and to all members or enrollees having a principal place of employment in the
89 commonwealth for the diagnosis and medically necessary and active treatment of any mental
90 disorder, as described in the most recent edition of the DSM, that is approved by the
91 commissioner of mental health.

92 SECTION 10. Section 4M of said chapter 176G, as so appearing, is hereby further
93 amended by striking out subsection (b)

94 SECTION 11. All policies, contracts and certificates of health insurance subject to
95 section 22 of chapter 32A, section 47B of chapter 175, section 8A of chapter 176A, section 4A
96 of chapter 176B, or section 4M of chapter 176G of the General Laws that are delivered, issued or
97 renewed on or after July 1, 2021 shall conform with this act. Form filings implementing this act
98 shall be subject to the approval of the commissioner of insurance.