

SENATE No. 1288

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 preauthorization requirements for mental health acute treatment.

PETITION OF:

NAME:

Cindy F. Friedman

DISTRICT/ADDRESS:

Fourth Middlesex

SENATE No. 1288

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1288) of Cindy F. Friedman for legislation relative to medical necessity for mental health acute treatment. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1148 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act removing preauthorization requirements for mental health acute treatment.

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. Chapter 32A of the General Laws is hereby amended by inserting after
2 section 17Q the following section:-

3 Section 17R. For the purposes of this section the following terms shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Community-based acute treatment”, 24-hour clinically managed mental health
6 diversionary or step-down services for children and adolescents that are usually provided as an
7 alternative to mental health acute treatment.

8 “Intensive community-based acute treatment”, intensive 24-hour clinically managed
9 mental health diversionary or step-down services for children and adolescents that are usually
10 provided as an alternative to mental health acute treatment.

11 “Mental health acute treatment”, 24-hour medically supervised mental health services
12 provided in an inpatient facility, licensed by the department of mental health, that provides
13 psychiatric evaluation, management, treatment and discharge planning in a structured treatment
14 milieu.

15 The commission shall provide to any active or retired employee of the commonwealth
16 who is insured under the group insurance commission coverage for medically necessary mental
17 health acute treatment, community-based acute treatment and intensive community-based acute
18 treatment and shall not require a preauthorization before obtaining treatment; provided, however,
19 that the facility shall notify the carrier of the admission and the initial treatment plan within 72
20 hours of admission.

21 Benefits for an employee under this section shall be the same for the employee’s covered
22 spouse and covered dependents.

23 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after
24 section 10L the following section:-

25 Section 10M. For the purposes of this section the following terms shall have the
26 following meanings unless the context clearly requires otherwise:

27 “Community-based acute treatment”, 24-hour clinically managed mental health
28 diversionary or step-down services for children and adolescents that are usually provided as an
29 alternative to mental health acute treatment.

30 “Intensive community-based acute treatment”, intensive 24-hour clinically managed
31 mental health diversionary or step-down services for children and adolescents that are usually
32 provided as an alternative to mental health acute treatment.

33 “Mental health acute treatment”, 24-hour medically supervised mental health services
34 provided in an inpatient facility, licensed by the department of mental health, that provides
35 psychiatric evaluation, management, treatment and discharge planning in a structured treatment
36 milieu.

37 The division and its contracted health insurers, health plans, health maintenance
38 organizations, behavioral health management firms and third-party administrators under contract
39 to a Medicaid managed care organization or primary care clinician plan shall cover the cost of
40 medically necessary mental health acute treatment, community-based acute treatment and
41 intensive community-based acute treatment and shall not require a preauthorization before
42 obtaining treatment; provided, however, that the facility shall notify the carrier of the admission
43 and the initial treatment plan within 72 hours of admission.

44 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after
45 section 47KK the following section:-

46 Section 47LL. For the purposes of this section the following terms shall have the
47 following meanings unless the context clearly requires otherwise:

48 “Community-based acute treatment”, 24-hour clinically managed mental health
49 diversionary or step-down services for children and adolescents that are usually provided as an
50 alternative to mental health acute treatment.

51 “Intensive community-based acute treatment”, intensive 24-hour clinically managed
52 mental health diversionary or step-down services for children and adolescents that are usually
53 provided as an alternative to mental health acute treatment.

54 “Mental health acute treatment”, 24-hour medically supervised mental health services
55 provided in an inpatient facility, licensed by the department of mental health, that provides
56 psychiatric evaluation, management, treatment and discharge planning in a structured treatment
57 milieu.

58 Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
59 renewed within the commonwealth, which is considered creditable coverage under section 1 of
60 chapter 111M, shall provide coverage for medically necessary mental health acute treatment,
61 community-based acute treatment and intensive community-based acute treatment and shall not
62 require a preauthorization before obtaining treatment; provided, however, that the facility shall
63 notify the carrier of the admission and the initial treatment plan within 72 hours of admission.

64 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after
65 section 8MM the following section:-

66 Section 8NN. For the purposes of this section the following terms shall have the
67 following meanings unless the context clearly requires otherwise:

68 “Community-based acute treatment”, 24-hour clinically managed mental health
69 diversionary or step-down services for children and adolescents that are usually provided as an
70 alternative to mental health acute treatment.

71 “Intensive community-based acute treatment”, intensive 24-hour clinically managed
72 mental health diversionary or step-down services for children and adolescents that are usually
73 provided as an alternative to mental health acute treatment.

74 “Mental health acute treatment”, 24-hour medically supervised mental health services
75 provided in an inpatient facility, licensed by the department of mental health, that provides
76 psychiatric evaluation, management, treatment and discharge planning in a structured treatment
77 milieu.

78 Any contract between a subscriber and the corporation under an individual or group
79 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide
80 coverage for medically necessary mental health acute treatment, community-based acute
81 treatment and intensive community-based acute treatment and shall not require a
82 preauthorization before obtaining treatment; provided, however, that the facility shall notify the
83 carrier of the admission and the initial treatment plan within 72 hours of admission.

84 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after
85 section 4MM the following section:-

86 Section 4NN. For the purposes of this section the following terms shall have the
87 following meanings unless the context clearly requires otherwise:

88 “Community-based acute treatment, 24-hour clinically managed mental health
89 diversionary or step-down services for children and adolescents that are usually provided as an
90 alternative to mental health acute treatment.

91 “Intensive community-based acute treatment”, intensive 24-hour clinically managed
92 mental health diversionary or step-down services for children and adolescents that are usually
93 provided as an alternative to mental health acute treatment.

94 “Mental health acute treatment”, 24-hour medically supervised mental health services
95 provided in an inpatient facility, licensed by the department of mental health, that provides
96 psychiatric evaluation, management, treatment and discharge planning in a structured treatment
97 milieu.

98 Any subscription certificate under an individual or group medical service agreement
99 delivered, issued or renewed within the commonwealth shall provide coverage for medically
100 necessary mental health acute treatment, community-based acute treatment, intensive
101 community-based acute treatment and shall not require a preauthorization before obtaining
102 treatment; provided, however, that the facility shall notify the carrier of the admission and the
103 initial treatment plan within 72 hours of admission.

104 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after
105 section 4EE the following section:-

106 Section 4FF. For the purposes of this section the following terms shall have the following
107 meanings unless the context clearly requires otherwise:

108 “Community-based acute treatment”), 24-hour clinically managed mental health
109 diversionary or step-down services for children and adolescents that are usually provided as an
110 alternative to mental health acute treatment.

111 “Intensive community-based acute treatment”, intensive 24-hour clinically managed
112 mental health diversionary or step-down services for children and adolescents that are usually
113 provided as an alternative to mental health acute treatment.

114 “Mental health acute treatment”, 24-hour medically supervised mental health services
115 provided in an inpatient facility, licensed by the department of mental health, that provides
116 psychiatric evaluation, management, treatment and discharge planning in a structured treatment
117 milieu.

118 Any individual or group health maintenance contract that is issued or renewed shall
119 provide coverage for medically necessary mental health acute treatment, community-based acute
120 treatment and intensive community-based acute treatment and shall not require a
121 preauthorization before obtaining treatment; provided, however, that the facility shall notify the
122 carrier of the admission and the initial treatment plan within 72 hours of admission.