

SENATE No. 596

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 safeguarding consumer parity rights.

PETITION OF:

NAME:

Brian A. Joyce

Claire D. Cronin

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

11th Plymouth

SENATE No. 596

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 596) of Brian A. Joyce and Claire D. Cronin for legislation to safeguard consumer parity rights. Health Care Financing.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act safeguarding consumer parity rights.

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. Subsection (b) of section 24 of chapter 176O is hereby amended by adding
2 the following sentence:- The decision on the appeal shall prominently provide information on the
3 right to appeal the decision to the office of patient protection including, but not limited to: (i)
4 contact information for the office of patient protection, (ii) a notice of a patient’s right to file a
5 grievance with the office of patient protection and (iii) information on how to file a grievance
6 with the office of patient protection.”; and by inserting after section 122 the following 3
7 sections:-

8 “SECTION 122A. Notwithstanding any general or special law to the contrary, the office
9 of patient protection shall report overturned or partially overturned behavioral health care denials
10 to the division of insurance. The division of insurance shall review each reported denial to
11 determine whether the denial constitutes a violation of the federal Mental Health Parity and
12 Addiction Equity Act, section 511 of Public Law 110-343, and applicable state mental health
13 parity laws, including but not limited to: section 22 of chapter 32A of the General Laws, section

14 47B of chapter 175 of the General Laws, section 8A of chapter 176A of the General Laws,
15 section 4A of chapter 176B of the General Laws and sections 4, 4B and 4M of chapter 176G of
16 the General Laws.

17 If the division finds evidence that a violation has occurred, including, but not limited to, a
18 determination by the office of patient protection to overturn a healthcare denial, in full or in part,
19 the division shall investigate pursuant to its powers under section 8K of chapter 26 of the
20 General Laws.

21 If the division finds that a violation of the mental health and substance abuse parity laws
22 has occurred, then the division shall levy a fine of not less than \$25,000 per violation; provided,
23 however, that if an insurer demonstrates a clear pattern or practice of violating the mental health
24 and substance abuse parity laws, then the division shall levy an additional fine of not less than
25 \$100,000 per occurrence.

26 The office of patient protection and the division of insurance shall promulgate regulations
27 to ensure the protection of patients' information, which shall comply with 42 U.S.C. § 290dd-2,
28 42 C.F.R. Part 2 and 45 C.F.R. § 164.512.

29 SECTION 122B. The office of patient protection shall post statistics regarding behavioral
30 health reviews on their public website, which shall be broken down by insurer and plan.

31 SECTION 122C. The division of insurance shall post notices of adverse determinations
32 involving behavioral health coverage against insurers on the division's public website.