

SENATE No. 781

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No. 781

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 781) of John F. Keenan for legislation relative to applied behavioral health clinic rates. Health Care Financing.

The Commonwealth of Massachusetts

**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:

1 SECTION 1. Chapter 118E of the General Laws is hereby amended by inserting after
2 13D the following section:-

3 Section 13D ½.

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
10 Health pursuant to Sections 3 and 51 through 56 of Chapter 111 of the General Laws and
11 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.

22 (a) For the purposes of this section, the following words shall have the following
23 meanings:

24 “Managed Care Entity”, all contracted health insurers, health plans, health maintenance
25 organizations, behavioral health management firms and third party administrators under contract
26 to a Medicaid managed care organization or primary care clinician plan, and accountable care
27 organizations.

28 “Behavioral health services”, evaluation, diagnosis, treatment, care coordination,
29 management or peer support of patients with mental health, developmental or substance use
30 disorders.

31 “Community behavioral health center”, a clinic licensed by the Department of Public
32 Health pursuant to Sections 3 and 51 through 56 of Chapter 111 of the General Laws and

33 regulated pursuant to title 130 of the code of Massachusetts regulations section 140, subsection
34 E.

35 “Division”, Division of Medical Assistance.

36 “Minimum payment rates”, rates of payment for services below which managed care
37 entities may not enter into provider agreements.

38 (b) The Division shall direct its Managed Care Entities to pay minimum payment rates
39 for behavioral health services that are initially 105% per procedure code of the minimum rates of
40 payment in place as of January 1, 2021. The Division shall review these minimum rates
41 biennially.

42 (c) The Division shall direct its Managed Care Entities to pay minimum payment rates for
43 behavioral health services delivered in community behavioral health centers at 120% of the
44 minimum payment rates for non-community behavioral health centers for each service code
45 which a rate is established pursuant to paragraph (b).