

Chapter 256 of the Acts of 2008

AN ACT RELATIVE TO 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:

SECTION 1. Section 22 of chapter 32A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage on a nondiscriminatory basis for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, referred to in this section as the DSM: (1) schizophrenia; (2) schizoaffective disorder; (3) major depressive disorder; (4) bipolar disorder; (5) paranoia and other psychotic disorders; (6) obsessive-compulsive disorder; (7) panic disorder; (8) delirium and dementia; (9) affective disorders; (10) eating disorders; (11) post traumatic stress disorders; (12) substance abuse disorders; and (13) autism.

The commission shall also provide to any active and retired employee of the commonwealth who is insured under the group insurance commission coverage on a nondiscriminatory basis for the diagnosis and medically necessary and active treatment of any mental disorder, as described in the most recent edition of the DSM, that is approved by the commissioner of mental health.

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

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

(a) An individual policy of accident and sickness insurance issued pursuant to section 108, which provides hospital expense and surgical expense insurance, and a group blanket or general policy of accident and sickness insurance issued pursuant to section 110, which provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, referred to in this section as the DSM:

- (1) schizophrenia;
- (2) schizoaffective disorder;
- (3) major depressive disorder;
- (4) bipolar disorder;
- (5) paranoia and other psychotic disorders;
- (6) obsessive-compulsive disorder;
- (7) panic disorder;
- (8) delirium and dementia;
- (9) affective disorders;
- (10) eating disorders;

- (11) post traumatic stress disorder;
- (12) substance abuse disorders; and
- (13) autism.

An individual policy of accident and sickness insurance issued pursuant to section 108, which provides hospital expense and surgical expense insurance, and a group blanket or general policy of accident and sickness insurance issued pursuant to section 110, which provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and medically necessary and active treatment of any mental disorder, as described in the most recent edition of the DSM, that is approved by the commissioner of mental health.

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

SECTION 5. Said section 47B of said chapter 175, as so appearing, is hereby further amended by adding the following subsection:-

(j) The coverage of mental disorders required under this section shall apply to small group health benefit plans subject to chapter 176J and nongroup health benefit plans subject to chapter 176M.

SECTION 6. Section 110 of said chapter 175, as amended by section 32 of chapter 205 of the acts of 2007, is hereby further amended by striking out subdivision (H).

SECTION 7. Section 8A of chapter 176A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual subscribers and members and group members having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, referred to in this section as the DSM:

- (1) schizophrenia;
- (2) schizoaffective disorder;
- (3) major depressive disorder;
- (4) bipolar disorder;
- (5) paranoia and other psychotic disorders;
- (6) obsessive-compulsive disorder;
- (7) panic disorder;
- (8) delirium and dementia;
- (9) affective disorders;
- (10) eating disorders;
- (11) post traumatic stress disorder;
- (12) substance abuse disorders; and
- (13) autism.

A contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual subscribers and members and group members having a principal place of employment in the commonwealth for the diagnosis and medically necessary and active treatment of any mental disorder, as described in the most recent edition of the DSM, that is approved by the commissioner of mental health.

SECTION 8. Said section 8A of said chapter 176A, as so appearing, is hereby further amended by striking out subsection (f).

SECTION 9. Section 10 of said chapter 176A, as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 10. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A subscription certificate under an individual or group medical service agreement which is issued or renewed within or without the commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, referred to in this section as the DSM:

- (1) schizophrenia;
- (2) schizoaffective disorder;
- (3) major depressive disorder;
- (4) bipolar disorder;
- (5) paranoia and other psychotic disorders;
- (6) obsessive-compulsive disorder;
- (7) panic disorder;
- (8) delirium and dementia;
- (9) affective disorders;
- (10) eating disorders;
- (11) post traumatic stress disorder;
- (12) substance abuse disorders; and
- (13) autism.

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

SECTION 11. Said section 4A of said chapter 176B, as so appearing, is hereby further amended by striking out subsection (f).

SECTION 12. Section 4A½ of said chapter 176B is hereby repealed.

SECTION 13. Section 4 of chapter 176G of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A health maintenance contract shall provide coverage for:

- (a) pregnant women, infants and children as set forth in section 47C of chapter 175;
- (b) cardiac rehabilitation as set forth in section 47D of chapter 175;
- (c) prenatal care, childbirth and postpartum care as set forth in section 47F of chapter 175;
- (d) cytologic screening and mammographic examination as set forth in section 47G of chapter 175;
- (e) diagnosis and treatment of infertility as set forth in section 47H of chapter 175; and
- (f) services rendered by a certified registered nurse anesthetist or nurse practitioner as set forth in section 47Q of chapter 175, subject to the terms of a negotiated agreement between the health maintenance organization and the provider of health care services.

SECTION 14. Section 4M of said chapter 176G, as so appearing, is hereby further amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) A health maintenance contract issued or renewed within or without the commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all members or enrollees having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, referred to in this section as the DSM:

- (1) schizophrenia;
- (2) schizoaffective disorder;
- (3) major depressive disorder;
- (4) bipolar disorder;
- (5) paranoia and other psychotic disorders;
- (6) obsessive-compulsive disorder;
- (7) panic disorder;
- (8) delirium and dementia;
- (9) affective disorders;
- (10) eating disorders;
- (11) post traumatic stress disorder;
- (12) substance abuse disorders; and
- (13) autism.

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

SECTION 15. Said section 4M of said chapter 176G, as so appearing, is hereby further amended by striking out subsection (f).

SECTION 16. All policies, contracts and certificates of health insurance subject to section 22 of chapter 32A, section 47B of chapter 175, section 8A of chapter 176A, section 4A of chapter 176B, or section 4M of chapter 176G of the General Laws that are delivered, issued or renewed on or after July 1, 2009 shall conform with this act. Form filings implementing this act shall be subject to the approval of the commissioner of insurance.

SECTION 17. This act shall take effect on July 1, 2009.

Approved August 5, 2008

Return to:[List of Laws passed in 2008 Session](#)[General Court home page](#), or[Commonwealth of Massachusetts home page.](#)