

# Massachusetts House of Representatives Bill Summary

**Bill No:** H.1871

**Title:** An Act Relative to Mental Health Parity

**Sponsor:** Rep. Ruth B. Balser

**Committee:** Mental Health and Substance Abuse

**Hearing Date:** October 1, 2007, Hearing Room A-2, 1:00 p.m.

**Prior History:** New File

**Current Law:** Section 22 of Chapter 32A details how the Group Insurance Commission (GIC) will cover mental health claims. Section 47B of Chapter 175 details how any individual, group blanket, or general insurance policy of accident and sickness insurance which provides hospital expense and surgical expense insurance in the Commonwealth will cover mental health benefits. Section 8A of Chapter 176A details how a corporation that establishes and operates a non-profit hospital service plan that provides reimbursement for health services will cover mental health benefits.

Subsection (a) of Section 22 of Chapter 32A states that the GIC will provide coverage for the following biologically-based mental disorders as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM): schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, panic disorder, delirium and dementia, affective disorders, and any biologically-based mental disorders appearing in the DSM that are scientifically recognized and approved by the commissioner of DMH. Subsection (a) of Section 47B of Chapter 175 creates the same requirements for any individual, group blanket, or general insurance policy of accident and sickness insurance which provides hospital expense and surgical expense insurance to residents of the state or persons with a principal place of employment in the state. Subsection (a) of Section 8A of Chapter 176A creates the same requirements for any contract between an individual and a corporation under an individual or group hospital service plan that covers residents of the state or persons with a principal place of employment in the state.

Subsection (c) of Section 22 of Chapter 32A states that GIC coverage will also provide coverage for children and adolescents under the age of 19 for the diagnosis and treatment of non-biologically-based mental, behavioral, or emotional disorders described in the most recent edition of the DSM. Such

coverage will be offered only when the condition substantially interferes with or limits the functioning and social interactions of the person. In addition, this interference or limitation must be documented by a doctor. Treatment length will be set by the plan. Subsection (c) of Section 47B of Chapter 175 creates the same requirements for all plans included in this Chapter for children and adolescents under the age of 19. Subsection (c) of Section 8A of Chapter 176A creates the same requirements for all plans included in this Chapter for children and adolescents under the age of 19.

Subsection (e) of Section 22 of Chapter 32A states that the GIC will provide all medically necessary coverage for all other mental disorders in the DSM for a minimum of 60 days inpatient treatment and a minimum of 24 outpatient visits each 12 month period. Subsection (e) of Section 47B of Chapter 175 creates the same requirements for all plans included in this Chapter. Subsection (e) of Section 8A of Chapter 176A creates the same requirements for all plans included in this Chapter.

**Summary:** This bill would expand the Mental Health Act of 2000 into a comprehensive mental health parity bill, bringing full parity to all mental health disorders, including substance abuse, addiction, eating disorders, and trauma. The Act of 2000 gave full parity to all so-called "biologically based" disorders but *limited coverage for so-called "non-biologically based" disorders; as a result, coverage for treatment of substance abuse, eating disorders, trauma, and other conditions is limited.* This legislation would eliminate the distinction between biologically-based disorders and other mental health and substance abuse disorders listed in psychiatric and diagnostic manuals, so that all individuals would be covered for treatment of mental health and substance abuse disorders, as all other medical conditions are covered.

This bill strikes Subsection (a) of Section 22 of Chapter 32A; Subsection (a) of Section 47B of Chapter 175; and Subsection (a) of Section 8A of Chapter 176A. It replaces each Subsection with new language. In the new Subsections, the types of insurance plans affected remain the same as they are in each Chapter. The coverage of mental health disorders is changed to any mental disorder as described in the most recent edition of the DSM, or the most recent edition of the International Classification of Diseases and Related Health Problems (ICD).

This bill also strikes Subsection (c) of Section 22 of Chapter 32A; Subsection (c) of Section 47B of Chapter 175; and Subsection (c) of Section 8A of Chapter 176A. It replaces each Subsection with new language. In the new Subsections, the types of insurance plans affected remain the same as they are in each Chapter. The coverage each type of plan offers is changed to require coverage for children and adolescents up to the age of 21 for the treatment of all mental disorders as described in the most recent editions of the DSM, the ICD, or the Diagnostic Classification of Mental Health and Development Disorders of Infancy and Early Childhood (DC: 0-3R).

This bill further strikes Subsection (e) of Section 22 of Chapter 32A; Subsection (e) of Section 47B of Chapter 175; and Subsection (e) of Section 8A of Chapter 176A.

Staff: Antonetta A. DiGiustini

# HOUSE . . . . . No. 1871

By Ms. Balsler of Newton, petition (accompanied by bill, House, No. 1871) of Ruth B. Balsler and others relative to mental health parity. Mental Health and Substance Abuse.

## The Commonwealth of Massachusetts

### PETITION OF:

Ruth B. Balsler	Denise Provost
Douglas W. Petersen	Susan C. Fargo
David Paul Linsky	James E. Timilty
Ellen Story	James B. Eldridge
Pamela P. Resor	Alice K. Wolf
Edward M. Augustus, Jr.	Byron Rushing
Jennifer L. Flanagan	Patricia D. Jehlen
Martha M. Walz	Cynthia S. Creem
Stephen R. Canessa	Brian A. Joyce
Christine E. Canavan	Timothy J. Toomey, Jr.
Mary E. Grant	David B. Sullivan
William N. Brownsberger	Gloria L. Fox
John P. Fresolo	Steven A. Tolman
Susan C. Tucker	William Smitty Pignatelli
Matthew C. Patrick	Linda Dean Campbell
Barbara A. L'Italien	Carl M. Sciortino, Jr.
Kay Khan	Louis L. Kafka
Steven J. D'Amico	Elizabeth A. Malia
John W. Scibak	Jennifer M. Callahan
Cory Atkins	
Peter V. Kocot	

In the Year Two Thousand and Seven.

### 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 2004 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 any mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM" or the most recent edition of the International Classification of Diseases and Related Health Problems, hereinafter referred to as "the ICD".

SECTION 2. Said section 22 of chapter 32A of the General Laws, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) In addition to the coverage established pursuant to this section, any such health plan shall also provide coverage on a non-discriminatory basis for children and adolescents up to the age of 21 for the diagnosis and treatment of any mental disorders, as described in the most recent edition of the Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood, referred to in this section as "the DC: 0-3R", Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM" or the most recent edition of the International Classification of Diseases and Related Health Problems, hereinafter referred to as "the ICD".

SECTION 3. Said section 22 of said chapter 32A of the General Laws, as so appearing, is hereby further amended by striking out subsection (e).

SECTION 4. Section 47B of chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a)Any individual policy of accident and sickness insurance issued pursuant to section 108, which provides hospital expense and surgical expense insurance, and any 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 any mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM" or the most recent edition of the International

Classification of Diseases and Related Health Problems, hereinafter referred to as “the ICD”.

SECTION 5. Said section 47B of said chapter 175 of the General Laws, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) In addition to the mental health benefits established pursuant to this section, any such policy shall also provide benefits on a non-discriminatory basis for children and adolescents up to the age of 21 for the diagnosis and treatment of any mental disorders, as described in the most recent edition of the Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood, referred to in this section as “the DC: 0-3R”, the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as “the DSM” or the most recent edition of the International Classification of Diseases and Related Health Problems, hereinafter referred to as “the ICD”.

SECTION 6. Said section 47B of said chapter 175 of the General Laws, as so appearing, is hereby further amended by striking out subsection (e).

SECTION 7. Section 8A of chapter 176A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Any 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 non-discriminatory 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 any mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as “the DSM” or the most recent edition of the International Classification of Diseases and Related Health Problems, hereinafter referred to as “the ICD”.

SECTION 8. Said section 8A of said chapter 176A of the General Laws, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) In addition to the mental health benefits established pursuant to this section, any such contract shall also provide benefits on a non-discriminatory basis for children and adolescents up to the age of 21 for the diagnosis and treatment of

any mental disorders, as described in the most recent edition of the Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood, referred to in this section as "the DC: 0-3R", the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM" or the most recent edition of the International Classification of Diseases and Related Health Problems, hereinafter referred to as "the ICD".

SECTION 9. Said section 8A of said chapter 176A of the General Laws, as so appearing, is hereby further amended by striking out subsection (e).