

6/26/08

MENTAL HEALTH PARITY: Question came on ordering to third reading H 4423 relative to mental health parity.

MARIANO AMENDMENT: Rep. Mariano offered an amendment.

The House entered a brief recess. Rep. Mariano withdrew his amendment as Rep. Balsemer conversed with Reps. Rushing and Rogers.

MARIANO AMENDMENT: Rep. Mariano offered another amendment. There was no objection to dispensing with the reading of the amendment.

Rep. Mariano said, I present before you an amendment I think would improve what the gentle lady from Newton has worked very hard on. Her goal and my goal is similar. We may disagree on how we get there. My amendment would put some limits on some of the diagnoses that are in this book – there are over 400. Some of them are the nontraditional variety. We're trying to get at some limiting and some control of those diagnoses in this handbook. Under this bill, every diagnosis would be covered with unlimited treatment. Now you're going to put insurance companies in the position of determining medical treatments rather than doctors and professional therapists. We were concerned about insurance companies making medical decisions. By opening up the door to all of these, you're going to force insurance companies to manage and be involved in a process they are reluctant to be involved in. My amendment will not affect the biologically-based diseases. We put some limits and exclusions on some learning disorders, some emotional disorders, relationship problems, communication problems and others. We also ask that treatment be denied by non-medical people for non-medical reasons. There's no reason to go see a doctor if a claims provider can just tell you your insurance has lapsed. The other provision I think is important is that under the law, all the coverages under this law shall meet all the terms and conditions of the health plans policies. I don't think these changes substantially weaken what the representative from Newton was trying to do. No one wants to limit the treatments for substance abuse, post-traumatic stress disorder or eating disorders. We all support full treatment for this. If you look at the situation of health care in Massachusetts, we are not ready for this bill. We had to put a stop to all mandated benefits for the past three years. I'm sort of mystified why we're debating this right now. This is a mandated benefit. As we try to expand health care in Massachusetts and we struggle with the pricing of products and we struggle getting coverage for folks who need coverage, I think the mental health benefit we have now of 24 visits a year goes a long way to resolving most of the problems we have today. We have no numbers. We have been waiting for the Division of Health Care Finance and Policy. I really do believe it's premature to be doing this on a couple of fronts. We have no numbers. We did ask that health care reform mandates be postponed until the dust settles on the statewide health plan. I hope the amendment is

adopted.

Rep. Mariano requested a vote on his amendment by a call on the yeas and nays. There was support.

Rep. Mariano said, Most of this bill, I have no argument with. While the good intentions of the lady is to see that everyone gets treatment, we have to balance that with some reliability of cost.

Rep. Balser said, I rise in support of an act relative to mental health parity and stand in opposition to the amendment. I want to thank the speaker of the House for his leadership. One of his first actions was to establish a new committee on Mental Health and Substance Abuse. That committee was established for historic reasons, a commitment that no longer would the issues of the mentally ill and addicted fall between the cracks. No longer would their needs be the neglected stepchild of a larger health care system. Mr. Speaker, his leadership was shown last session when we passed a universal health care reform act and he supported an amendment from me and the gentle lady from Stow. Mr. Speaker, you stood with me when we said no, there's no point in expanding insurance if it's not comprehensive and quality. We finally have a real mental health parity act before this body. Passage of H 4423 will once and for all eliminate the stigma associated with mental illness and addiction. The people who live with the challenges of those illnesses should get the treatment they need and deserve. What we have before us is the next step in health care reform. What we did in 2000 was a very important step on the way. We significantly expanded the mental health benefit. In the 80s outpatient services were limited to eight sessions. Later, we expanded that to 24 days of outpatient sessions and more inpatient sessions. We didn't go all the way. We split disorders into biologically-based disorders and non-biologically-based disorders. Every single diagnoses in the gentleman's book is covered. We decided that substance abuse and eating disorders weren't in the biological category. There is no scientific evidence to have one set of diagnoses and another. H 4423 eliminates the distinction we created and says all mental health disorders will get full parity. We're saying that the person who suffers from chronic schizophrenia doesn't necessarily need more coverage than someone with an eating disorder. It's not fair that premiums should go up – we're not adding a single diagnosis. As to the cost, the struggle for parity has gone on for two decades. Some studies show the premium increase is zero. All the words that the health plan asked for in 2000 are in Chapter 80. H 4423 does not touch any of the medical assessments. The insurance plans in this state can do what they do in other states – manage the benefits and managing the cost. You keep the cost down by making sure people get medically necessary services. The amendment creates exemptions that we allowed in 2000. It reverses what we achieved in 2000. This bill will end insurance discrimination. I want to thank the many advocates, mental health consumers and professionals who worked for so many years to see this day. I want to thank the other lady from Newton for her leadership. I also want to thank

the gentleman from Readville. This is a victory for all of us today. Please defeat the amendment. Let's make history together.

BACK TO MENTAL HEALTH PARITY: Rep. Sannicandro said, This amendment discriminates against people with intellectual disabilities and I rise in opposition. Please, I ask you all to defeat this because it discriminates.

Rep. Spellane said, This bill does do more than one thing. It does and will increase the cost of insurance in the commonwealth. Passing this bill will be a violation of two different laws we already passed here. Number one, the health care reform law that we passed asked the DHCFP to come back with mandates. In 2002, we passed the mandate review law. We have yet to receive the analyses. We have to focus our energies on the affordability of the plan. The amendment is very similar to an amendment filed on the federal level. It's also similar to a law passed in Connecticut. When we started health insurance reform, we had 600,000 uninsured. That number has dwindled to less than 300,000. I hope there's a day we can expand coverage. Today is not that day. I would like to ask the members to support the amendment.

Rep. Khan said, I rise in opposition to the amendment and support of the bill. I'm surprised by this amendment that is before us. The current health care law is not interested in covering biological illnesses. The state legislature recognized this disparity and passed the mental health parity law. The Legislature singled out several illnesses. Despite the fact that eating disorders are biologically based, they are left off the list. An insurer would not deny medical treatment for a physical illness. I have legislation before the body that would even go further than the bill before us today. I see this as a first very important step. I want to thank the gentlelady from Newton for her advocacy, the speaker and the gentleman from Readville.

MENTAL HEALTH PARITY: Deliberations on the mental health parity bill resumed.

Rep. Murphy of Burlington said nobody wants to speak against the mentally ill. I support this amendment for a couple of reasons. A gentleman asked us to vote for this because it discriminates. I take offense to that. I don't discriminate against anybody. We look at the resources we have and do the best we can. We have taken strides. I was part of the effort in 2000 to include mental illness diagnoses under the health care law. Sure we should expand it. People may say who do you think you are picking on the mentally ill. I am not doing that. The gentleman is incorrect. We have a duty to help as many people as we can and as a body we do that and do the best we can. In a perfect world we would cover everyone for every ailment. But you know what we can't and you know why, because the economy is hurting. Does that make me a bad person? We have to slow down. The ends are justified, absolutely justified. Why are we not listening to what we did several years ago with regard to mandates. I am not saying let's kill this. But

let's wait. It costs me 75 dollars to fill my tank the other day. Everyone is hurting. The bottom line is costs are coming back to us. So we are going to be paying and our constituents are going to be paying and that's the bottom line. It's going to come back and the housing market and that is the time to take a look at this. No one in the building knows more about this than the lady from Newton. We are serving the mentally ill much better than pre-2000. Given the economy, the unknowns and the health mandates we have to slow down and reassess.

Rep. Callahan said I would not consider them to be the bad guys but the gentlemen on the wrong side of this issue. This has been in the wings for many years. I want to say why we need this. We have an ability to weigh in on people's abilities to take control of their lives. When we talk about the mentally ill, those suffering from bipolar disorders and manic depression, they are yearning to take control of their lives. We can't afford to ignore the expenses that go along with being undiagnosed and untreated. We have returning veterans we will do almost anything for and rape victims who suffer for many years and people with eating disorders. It all costs money because you have to treat people. My parents worked for DMH with combined years of service of over 60. The parity act before us is not just historic but it is so overdue. We have a history of refining laws to offer parity on many levels. Infertility was not considered a medically condition not long ago. Today I would ask anybody in this room to defeat the further amendment and adopt a long overdue piece of legislation that brings parity.

Rep. L'Italien said she wanted to speak through the lense of autism spectrum disorder which falls under communications disorder and under this amendment it would not be covered under mental health parity. I would hate to see us lose ground and go back on the promise we are beginning to deliver to people on the autism spectrum. They could have learning disorders or motor skills disorders or relational problems under this amendment that would preclude people from being considered for mental health parity. Often times receiving assistance means the difference between a life with relative independence and a life that is meaningful and relatively safe.

Rep. Wolf said, Mr. Speaker, I rise to support H 4423 and to hope that the amendment presented will not be adopted. Briefly, I would remind us as previous speakers have, that in the year 2000, we passed a bill that made great progress in meeting the needs of mentally ill people. We are now trying to finish the job we started then and it's an important job that we treat those with mental illness appropriately. Mental illness is really not different from any other illness. I specifically want to speak about post-traumatic stress syndrome. I myself filed a bill to make sure that PTSD would be appropriately treated as a mental illness. That bill did not go forward with the promise of having this broader bill go forward. I don't need to remind anybody in this chamber that there are many reasons people develop PTSD. They might have been involved with the War in Iraq or Afghanistan or been involved with what happened on 9/11. They may not be able to work. There are serious consequences. I support this bill and ask our

colleagues to reject the amendment.

Rep. Peisch said, I rise in support of the bill and against the amendment. We're all concerned about costs. There's a cost to not treat it. I've become acutely aware of the costs of mental illness on communities. My community has experienced a high number of suicides. Wellesley, Needham and Nantucket are also experiencing it. I would gladly give up my tank of gas to help fix this.

Rep. Torrisi said, I rise with a heavy heart and ask to support the amendment. We've had this conversation before about educating a child with autism. There is only X amount of dollars in the system. There are so many people out there who need these services. As much as we like to help them, we can only do so much. I do rise with a heavy heart but I think the amendment should be adopted. It would still provide generous benefits.

Rep. Spellane said, I want to clarify a couple things. I want to recognize the lady from Andover for her work on autism. I stood with her on those battles. The DSM book identifies autism as a developmental disorder. Autism would be covered under this amendment. Eating disorders, PTSD and substance abuse would all be covered. We all stand with the lady from Newton to expand coverage. But we need to balance that with the current economic climate. Religious and spiritual problems, hypoactive sexual desire disorder, family relationship problems, these are things we need to stay out of and protect consumers.

Rep. Spellane yielded to Rep. Hynes.

Rep. Hynes said, As I listen to this debate, it seems to me the question is not what will be covered, the question is what will not be covered by the passage of this amendment.

Rep. Spellane said, Nothing will be taken away from consumers.

Rep. Spellane did not yield to Rep. Balser.

Rep. Spellane said, The amendment is an expansion of mental health in the commonwealth. The language is such that several folks opposed to this amendment looked to adopt previously. The law continues to be responsive. It does in fact expand coverage.

Rep. Balser said, With all due respect to the gentleman who preceded me, there are quite a few disorders being eliminated. Motor skills disorder, mental retardation, caffeine disorders, relational problems, and others are excluded. The gentleman from Ashland said this was discrimination. I want to make it very clear what is happening here. Several people have waved at you the DSM. If I waved at you a textbook on medical diagnoses, it would be a lot fatter. Those are all included too. If we were to write a statute that said we'll take care of the first two

heart attacks, but after that you're on your own, that's what this amendment is saying. Appendectomies are covered. All these diagnoses are covered. People only get services if they're medically necessary. Large numbers of disorders will be eliminated under this amendment. Several people have questioned my statistics saying they can't believe it's low. I sent out an email with loads of analyses from PWC. The costs really are, in study after study, under 1 percent. The intent of the Legislature, when we passed Chapter 58, it was with the hope and expectation that report would come to us by last winter. It was so we could be guided with some information to consider mandates. We know when this session ends. I want this to get to the governor's desk. I want this to all happen before July 31. I would want for that report to have been here. They keep promising it's any day. They have said that the report will show what every other national report has shown, that this will be 0.1 to 0.3 percent. These reports will come before the end of the session. I did not want to risk this historic possibility. Mr. Speaker, there is a cost no one has mentioned. The economic burden of untreated mental illness, it costs this country almost \$200 billion to not treat mental illness because of the lack of productivity elsewhere.

Rep. M. Walsh said, It's unfortunate that it takes this legislation to make the insurers open their ears and eyes and come storming to the State House. I'm not just blaming the for-profit insurers. Before I came to this House, I worked for labor unions. It's always the programs needed the most that are hard to get into the insurance plans. Our job is to take care of the people who need to be taken care of. If this legislation wasn't in front of the House today, there would be no discussion here in the halls or in board rooms of insurance companies. I hope our colleagues would pass this bill. The chairwoman from Newton has done a fabulous job.

Rep. Story said, Our state, like all other states in the country, is experiencing financial difficulties. Our state also has the third highest per capita income of any state in the country in the richest country in the history of the world. We pay for things that we think are important. We are talking about this as though the state is going to have to pay for this mental health care. The state will have to pay for some of it. But the insurance companies will have to put in their share. The insurance companies don't have quite the profits of the pharmaceutical industry but their profits are quite healthy. If we think this issue is important, we should defeat the amendment and support the bill from the lady in Newton.

BY A ROLL CALL VOTE OF 40-110 AMENDMENT DEFEATED

6/30/08

MENTAL HEALTH PARITY: Question came on engrossing H 4423 relative to mental health parity.

Rep. Balsler said, I rise in support of H 4423, an act relative to mental health

parity. This legislation is both health care legislation and civil rights legislation. It is an important next step in Massachusetts's commitment to health care reform. Last session we ensured everyone would have health insurance. With House 4423, we'll make sure that not only does everyone have insurance, but it will work with full parity for all mental health conditions. Once and for all, we will eliminate the stigma associated with mental illness and substance abuse disorders. They will get the treatment they deserve. We know that the treatment works. We will save the commonwealth money, money that's now being spent on substance abuse disorders. This has important public safety implications. When people get treatment, they are less likely to get involved in the criminal justice system. It is so important we get this signed this year. It's the same year that Congress is considering an analogous bill. That bill will cover all federally regulated plans. When Sen. Kennedy's national parity bill and when H 4423 is signed into law, every person in the commonwealth will have full access to mental health services.

Rep. Balsler requested a vote by a call of the yeas and nays. There was support.

BY A ROLL CALL VOTE OF 119-26, BILL ENGROSSED