

Senate, No. 2840

[Senate, July 24, 2008 – Text of the Senate amendment (Ethics and Rules) to the House Bill relative to mental health parity (House, No. 4423)]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

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

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

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

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

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

24 (a) An individual policy of accident and sickness insurance issued pursuant to
25 section 108, which provides hospital expense and surgical expense insurance, and a group
26 blanket or general policy of accident and sickness insurance issued pursuant to section
27 110, which provides hospital expense and surgical expense insurance, which is issued or
28 renewed within or without the commonwealth, shall provide mental health benefits on a
29 nondiscriminatory basis to residents of the commonwealth and to all policyholders
30 having a principal place of employment in the commonwealth for the diagnosis and
31 treatment of the following biologically-based mental disorders, as described in the most
32 recent edition of the Diagnostic and Statistical Manual of the American Psychiatric
33 Association, referred to in this section as the DSM: (1) schizophrenia; (2) schizoaffective
34 disorder; (3) major depressive disorder; (4) bipolar disorder; (5) paranoia and other
35 psychotic disorders; (6) obsessive-compulsive disorder; (7) panic disorder; (8) delirium
36 and dementia; (9) affective disorders; (10) eating disorders; (11) post traumatic stress
37 disorder; (12) substance abuse disorders; and (13) autism.

38 An individual policy of accident and sickness insurance issued pursuant to section
39 108, which provides hospital expense and surgical expense insurance, and a group
40 blanket or general policy of accident and sickness insurance issued pursuant to section
41 110, which provides hospital expense and surgical expense insurance, which is issued or
42 renewed within or without the commonwealth, shall provide mental health benefits on a
43 nondiscriminatory basis to residents of the commonwealth and to all policyholders
44 having a principal place of employment in the commonwealth for the diagnosis and
45 medically necessary and active treatment of any mental disorder, as described in the most
46 recent edition of the DSM, that is approved by the commissioner of mental health.

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

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

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

54 SECTION 6. Section 110 of said Chapter 175 is hereby amended by striking out
55 subdivision (H), as so appearing.

56 SECTION 7. Chapter 176A of the General Laws is hereby amended by striking
57 out subsection (a) of Section 8A, as so appearing, and inserting in place thereof the
58 following subsection:-

59 (a) A contract between a subscriber and the corporation under an individual or
60 group hospital service plan which is issued or renewed within or without the
61 commonwealth shall provide mental health benefits on a nondiscriminatory basis to
62 residents of the commonwealth and to all individual subscribers and members and group
63 members having a principal place of employment in the commonwealth for the diagnosis
64 and treatment of the following biologically-based mental disorders, as described in the
65 most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric
66 Association, referred to in this section as the DSM: (1) schizophrenia; (2) schizoaffective
67 disorder; (3) major depressive disorder; (4) bipolar disorder; (5) paranoia and other
68 psychotic disorders; (6) obsessive-compulsive disorder; (7) panic disorder; (8) delirium
69 and dementia; (9) affective disorders; (10) eating disorders; (11) post traumatic stress
70 disorder; (12) substance abuse disorders; and (13) autism.

71 A contract between a subscriber and the corporation under an individual or group
72 hospital service plan which is issued or renewed within or without the commonwealth
73 shall provide mental health benefits on a nondiscriminatory basis to residents of the

74 commonwealth and to all individual subscribers and members and group members having
75 a principal place of employment in the commonwealth for the diagnosis and medically
76 necessary and active treatment of any mental disorder, as described in the most recent
77 edition of the DSM, that is approved by the commissioner of mental health.

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

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

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

85 (a) A subscription certificate under an individual or group medical service
86 agreement which is issued or renewed within or without the commonwealth shall provide
87 mental health benefits on a nondiscriminatory basis to residents of the commonwealth
88 and to all individual subscribers and members within the commonwealth and to all group
89 members having a principal place of employment in the commonwealth for the diagnosis
90 and treatment of the following biologically-based mental disorders, as described in the
91 most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric
92 Association, referred to in this section as the DSM: (1) schizophrenia; (2) schizoaffective
93 disorder; (3) major depressive disorder; (4) bipolar disorder; (5) paranoia and other
94 psychotic disorders; (6) obsessive-compulsive disorder; (7) panic disorder; (8) delirium
95 and dementia; (9) affective disorders; (10) eating disorders; (11) post traumatic stress
96 disorders; (12) substance abuse disorders; and (13) autism.

97 A subscription certificate under an individual or group medical service agreement
98 which is issued or renewed within or without the commonwealth shall provide mental
99 health benefits on a nondiscriminatory basis to residents of the commonwealth and to all
100 individual subscribers and members within the commonwealth and to all group members
101 having a principal place of employment in the commonwealth for the diagnosis and

102 medically necessary and active treatment of any mental disorder, as described in the most
103 recent edition of the DSM, that is approved by the commissioner of mental health.

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

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

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

110 A health maintenance contract shall provide coverage for:

111 (a) pregnant women, infants and children as set forth in section 47C of chapter
112 175;

113 (b) cardiac rehabilitation as set forth in section 47D of chapter 175;

114 (c) prenatal care, childbirth and postpartum care as set forth in section 47F of
115 chapter 175;

116 (d) cytologic screening and mammographic examination as set forth in section
117 47G of chapter 175;

118 (e) diagnosis and treatment of infertility as set forth in section 47H of chapter 175;
119 and

120 (f) services rendered by a certified registered nurse anesthetist or nurse
121 practitioner as set forth in section 47Q of chapter 175, subject to the terms of a negotiated
122 agreement between the health maintenance organization and the provider of health care
123 services.

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

127 (a) A health maintenance contract issued or renewed within or without the
128 commonwealth shall provide mental health benefits on a nondiscriminatory basis to
129 residents of the commonwealth and to all members or enrollees having a principal place
130 of employment in the commonwealth for the diagnosis and treatment of the following
131 biologically-based mental disorders, as described in the most recent edition of the
132 Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in
133 this section as the DSM: (1) schizophrenia; (2) schizoaffective disorder; (3) major
134 depressive disorder; (4) bipolar disorder; (5) paranoia and other psychotic disorders; (6)
135 obsessive-compulsive disorder; (7) panic disorder; (8) delirium and dementia; (9)
136 affective disorders; (10) eating disorders; (11) post traumatic stress disorders; (12)
137 substance abuse disorders; and (13) autism.

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

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

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

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