HOUSE DOCKET, NO. 1631 FILED ON: 1/20/2011

HOUSE . . . . . No. 1463

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

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 passage of the accompanying:

An Act relative to transparent evidence-based mental health care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ruth B. Balser	*12th Middlesex*
James J. O'Day	*14th Worcester*
Carolyn C. Dykema	*8th Middlesex*
Frank I. Smizik	*15th Norfolk*
Ellen Story	*3rd Hampshire*
Martin J. Walsh	*13th Suffolk*
Thomas M. Stanley	*9th Middlesex*
Angelo M. Scaccia	*14th Suffolk*
Jennifer L. Flanagan	☐ *[District]* ☐
Elizabeth A. Malia	*11th Suffolk*

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By Ms. Balser of Newton, a petition (accompanied by bill, House, No. 1463) of Ruth B. Balser and others relative to utilization reviews performed by the board of managed care. Public Health.

The Commonwealth of Massachusetts

An Act relative to transparent evidence-based mental health care.

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 2 of chapter 176O of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after subsection (h), the following subsection:-

"(i) The bureau shall annually file a report to the Joint Committee on Mental Health and Substance Abuse detailing the number, nature and resolutions of internal grievances pursuant to section 13 of this chapter and grievance reviews pursuant to section 14 of this chapter arising from mental health and or substance abuse diagnoses."

SECTION 2. Subsection (a) of section 12 of chapter 176O, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

"A carrier or utilization review organization shall adopt utilization review criteria and conduct all utilization review activities pursuant to said criteria. The criteria shall be to the maximum extent feasible, scientifically derived and evidence based, and developed with input from participating providers, consistent with the development of medical necessity criteria pursuant to the provisions of section 16 and made available, upon request, to participating providers and insured."

SECTION 3. Subsection (b) of section 16 of chapter 176O, as appearing in the 2008 Official Edition, is hereby amended by adding, in line 16, the words "and other participating providers as appropriate" after the word "physicians".

SECTION 4. Said subsection (b) of said section 16 of said chapter 176O, as so appearing, is hereby amended by adding the following sentences:-

"Said guidelines and the evidence underlying them shall be made available to participating providers and insured upon request. Said guidelines may be challenged as to

23 evidence basis and clinical appropriateness upon application for review by the office of patient
24 protection. The office of patient protection must review any challenge brought pursuant to this
25 section and may alter or invalidate a guideline in the interests of patient protection."