Testimony of the Massachusetts Psychological Association in support of H.1697, An Act Relative to Increasing Access to Psychological Services

June 19, 2019

The Massachusetts Psychological Association (MPA) represents over 1,700 psychologists in Massachusetts in carrying out our mission to advance psychology as a science, as a profession, and as a means of promoting human welfare. We strongly support H.1697, An Act relative to increasing access to psychological services, and request that you recommend it favorably so that MassHealth clients have access to care from independently licensed psychologists.

Access to psychological services for MassHealth recipients is confusing and inconsistent for consumers depending on which MassHealth plan a consumer has and where they go for services. Unlike every other state in the nation, Massachusetts has a regulation (130 CMR 411.406) that prohibits their Medicaid recipients from receiving treatment from independently licensed psychologists. This prohibition is in spite of the fact that psychologists are contracted with the MassHealth provider network and are paid for testing services and by the fact that managed MassHealth plans cover treatment by independently licensed psychologists.

There are approximately 280,000 MassHealth recipients whose access to psychological treatment in the community is limited by this regulation. The purpose of the bill is to ensure that all MassHealth recipients have the same access to psychological treatment regardless of which MassHealth plan they have. Likewise, this bill ensures that MassHealth recipients have the same access to psychologists for treatment as Medicare and commercially insured individuals.

This bill is important for several reasons:

- The barrier created by the regulation is unique to unmanaged MassHealth plans. Commercial plans, Medicare and managed MassHealth plans do not have this barrier.
  - Thus, citizens with a commercial plan or Medicare plan as their primary health plan who have a standard MassHealth plan as their secondary carrier do not have secondary coverage for treatment provided by individually licensed psychologists, even though they are led to believe that they have coverage because the psychologist is listed as an in-network provider.

- This barrier creates interrupted continuity of psychological treatment for citizen’s who change from a commercial plan or Medicare to a MassHealth Standard Plan.

- These barriers undermine health care reform goals of integrating behavioral health services into primary care. Psychologists imbedded in primary care sites can provide treatment for Medicare recipients, MassHealth recipients in managed plans and consumers with commercial health plans. However, they cannot receive treatment from the psychologist if they have a MassHealth standard plan.

- This bill would reduce unnecessary and unusual confusion and frustration for consumers, mental health providers, and primary care providers.
Massachusetts law mandates MassHealth coverage for Autistic Spectrum Disorders (ASD) but fails to provide access to the full scope of psychological services by psychologists that citizens with commercial health plans have under An Act relative to insurance coverage for Autism (ARICA) because of this regulation.

- The law mandates that a diagnosis be provided by a psychologist or physician before covering certain treatments for ASD. However, because of the current regulation, the law does not mandate coverage for those treatments by psychologists even though the field of psychology created those treatments and those treatments have always been in the scope of practice for psychologists.

The Massachusetts Psychological Association has been advocating for repeal of the problematic regulation for more than a decade. Although I am unaware of any opposition, we have been unable to get that regulation repealed.

In fact, the special task force created in Section 230 of Chapter 165 of the Acts of 2014 “to identify existing structural or policy-based impediments to delivering comprehensive and cost-effective behavioral and mental health treatment within the Commonwealth’s health care system” voted unanimously to repeal regulation 130 CMR 411.406 and any other similar regulations that prohibit MassHealth from covering outpatient mental health services by any independently licensed behavioral health provider. The task force, which was chaired by the Executive Director of Center for Health Information and Analysis (CHIA) and included representatives of Department of Mental Health, Massachusetts Association of Health Plans, Massachusetts Nurses Association, Association of Behavioral Healthcare, Massachusetts League of Community Health Centers, Massachusetts Hospital Association; Massachusetts Psychological Association, Massachusetts Psychiatric Society, SEIU Local 509, American Nurses Association of MA, National Alliance on Mental Illness and Massachusetts Association of Behavioral Health Systems, voted on May 19, 2015 that the MassHealth regulations that prohibit treatment by independently licensed psychologists is a known barrier for consumer access to important behavioral health care. And yet, 4 years later, that change still has not been made.

I urge this committee to move favorably on this bill and mandate the removal of this illogical and confusing barrier to appropriate mental health care for the Citizens of the Commonwealth that regulators have failed to address.

Respectfully,

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