

## Massachusetts Psychological Association 2019 – 2020 Legislative Agenda

The Massachusetts Psychological Association is dedicated to improving the lives of all people in the Commonwealth through advancing psychology as a science, as a profession, and as a means of promoting human welfare. In the 2019 – 2020 legislative session, MPA will continue to focus on: improving *access to care* by increasing provision of services and addressing unfair business practices; improving *quality and continuity of care* by addressing gaps in coverage and provision of telehealth services; and, maintaining *consumer and professional protections* by preserving current standards for service providers, and minimizing unreasonable liability for psychologists.

**Access to Care.** The practice of health plans' retracting payments made in good faith, sometimes years after the services were provided, dissuades psychologists and other mental health professionals from joining insurance panels. MPA will work to limit this unfair and deceitful business practice to improve access to quality care across the Commonwealth. MPA will work to improve access to behavioral health and substance use services by insuring that parity is implemented and members of the Commonwealth have access to a full range of assessment and treatment services. MPA will also work towards greater timely access to services for all members of the Commonwealth, including, but not limited to, those who are: economically disadvantaged; members of cultural, ethnic or racial minority groups; members of the LGBT community; and people who have disabilities.

**Quality and Continuity of Care.** Continuity of care is critical in producing high quality care and improved patient outcomes, and MPA will support legislation that promotes more effective, efficient, and comprehensive care in all treatment settings. This effort will include legislation that addresses unfair business practices by health plans, such as disrupting patient care by requiring patients to switch providers after summarily canceling contracts with current providers. In addition, the rise of telehealth services is promising and has the potential to increase access to care, but could have a negative impact on the quality and continuity of care if it is structured in a way that lowers standards of care and disincentivizes the practice of offering both in-person and telehealth services.

**Consumer and Professional Protections.** It is of utmost importance that members of the Commonwealth receive mental health care by well-trained and skilled professionals. MPA will continue to oppose legislation that attempts to broaden the category of mental health service providers to allow licensed or unlicensed practice by individuals without sufficient education and training. MPA will also work to protect psychologists by opposing, or working to amend, bills that would have the effect of creating unreasonable levels of liability. Finally, MPA will work to ensure compliance with state and federal laws and regulations that protect consumers and ensure access to the most appropriate psychological services.

### MPA's Top 3 Priorities for this Legislative Session

#### 1. Anti-Clawback Legislation

*S.589 & H.1078, An Act relative to limits on insurers' retroactive clawbacks for mental health and substance use disorder services.* Sets a limit of 12 months on the ability of a health care plan to retract payments made in good faith (also referred to as clawbacks). Primary sponsors: Sen. Cindy Friedman and Rep. Jim O'Day.

## 2. Expanded Telehealth Coverage

*S.612 & H.991, An Act advancing and expanding access to telemedicine services.* Requires health plans to cover the same medical, behavioral health, and substance abuse services via telehealth as they do for in-person sessions, and at the same rate as in-person sessions. Primary sponsors: Sen. Jason Lewis and Rep. Kate Hogan.

## 3. Ghost Networks

*S.610 & H.913, An Act to increase consumer transparency about insurance provider networks.* Calls for a task force to be created to develop guidelines and standardization across health plans for areas such as behavioral search categories, provider information change requests, maintenance of an accurate and up-to-date list of providers in network to make it easier for consumers to find providers, better monitor network adequacy, and eliminate “ghost networks.” Primary sponsors: Sen. Jason Lewis and Rep. Christine Barber.

### **Other Legislation of Interest**

MPA supports the following legislation:

*S.565 and H.907, An Act relative to the continuity of care of mental health treatment.* Would require continued coverage of mental health services with an “out-of-network” provider with whom the patient already has an ongoing treatment relationship if the provider accepts the in-network payment rate. Primary sponsors: Sen. Joanne Comerford and Reps. Ruth Balser and Tricia Farley-Bouvier.

*S.1225, An Act relative to facilitating the utilization of psychologists on the health care team.* Adds psychologists to the list of providers whose written instructions nurses may follow in hospitals and other skilled nursing facilities. Primary sponsor: Sen. Cynthia S. Creem

*H.1697, An Act relative to increasing access to psychological services.* Allows MassHealth to reimburse psychologists in independent practice for psychotherapy services and appropriate supervision of clinical providers. Primary sponsor: Rep. Ruth Balser

*H. 487, An Act relative to the transparency of mental health benefits.* Allows state agencies to monitor health plan denial of service for behavioral health services and size of the provider network, and track number of patients who are unable to schedule an appointment with a behavioral health provider. Primary sponsor: Rep. Ruth Balser

*S.70 & H.140 , An Act relative to abusive practices to change sexual orientation and gender identity in minors.* Bans licensed mental health providers from the practice of conversion therapy to change the gender identity or sexual orientation of minors. Primary sponsors: Sen. Mark Montigny and Rep. Kay Kahn

*H.1723, An Act to further define medical necessity determinations.* Allows licensed clinicians, in consultation with their patient, to determine medical necessity instead of each health plan creating their own medical necessity criteria. Primary sponsor: Rep. Natalie Higgins.