



## Massachusetts Psychological Association

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### **Massachusetts Psychological Association 2017 – 2018 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 2017-2018 legislative session, MPA will focus on: improving *access to care* by increasing provision of services and addressing low reimbursement rates; 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 unfair business practices and unreasonable liability for psychologists.

**Access to Care.** MPA will work to improve access to behavioral/mental health services and services for substance use disorders by insuring that parity is implemented and members of the Commonwealth have access to a full range of assessment and treatment services. The Attorney General’s 2015 report on health care cost trends identified “historically low” reimbursement rates by health insurance companies and state agencies as a significant barrier to accessing care. MPA will pursue the implementation of rate structures that reflect the relative value of the services psychologists provide. 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 seek 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 hurts psychologists who are also maintaining a brick-and-mortar practice.

**Consumer and Professional Protections.** It is of utmost importance that members of the Commonwealth continue to receive mental health care by well-trained and skilled professionals. MPA will continue to oppose legislation that attempts to broaden the category of 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. In addition, MPA will work to protect the livelihood of psychologists by limiting the ability of health plans to retract payments made in good faith, sometimes years after the services were provided. Such unfair and deceitful business practices dissuade psychologists from joining insurance panels, which further reduces access to quality care across the Commonwealth. MPA will also work to ensure compliance with state and federal laws and regulations that protect consumers and access to the most appropriate psychological services.

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

### 1. Anti-Clawback Legislation

- *H. 2193 and S. 582, An Act to limit retroactive denials of health insurance claims for mental health and substance abuse services.* Sets a limit of 6 months on the ability of a health care plan to retract payments made in good faith (also referred to as clawbacks). Primary sponsors: Rep. James O'Day and Sen. Michael J. Rodrigues.

### 2. Telehealth Parity

- *H. 2156 and S. 1095, An Act relative to behavioral health telemedicine.* Requires health plans to cover the same 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: Rep. Ruth Balser and Sen. Jennifer Flanagan
- *H. 2156 and S. 527, An Act relative to telemedicine.* Extends the recent changes to Chapter 175 of the General Laws, which stated that coverage of telehealth must be consistent with coverage of in-person, to Chapter 176B, which regulates non-profit health plans. Primary sponsors: Rep. Ruth Balser and Sen. Jennifer Flanagan

### 3. Continuity of Care

- *H. 484 and S. 552, 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 and complies with the insurer's reasonable administrative requirements. Primary sponsors: Rep. Ruth Balser and Sen. Barbara L'Italien.

## Other Legislation of Interest

MPA supports the following legislation:

- *H. 2430 and S. 1179, 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 sponsors: Rep. Ruth Balser and Sen. Cynthia S. Creem
- *H. 1060, 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. 2866 and S. 58, An Act to provide equal access to evaluations for children with disabilities.* Requires state-set rates for educational evaluations to reflect actual market rates and to be adjusted regularly and fairly. Primary sponsors: Rep. James O'Day and Sen. Barbara L'Italien
- *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
- *H. 1190 and S. 62, 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 C. Montigny and Rep. Kay Kahn