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FOR IMMEDIATE RELEASE
August 4, 2022

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Representative Kane supports passage of comprehensive mental health access bill

Rep. Kane served as one of six conferees to negotiate the final legislation

BOSTON – State Representative Hannah Kane (R-Shrewsbury) recently voted to support a comprehensive mental health bill designed to improve access and establish insurance coverage equity for behavioral health services.

Senate Bill 3097, *An Act addressing barriers to care for mental health*, also referred to as the Mental Health ABC Act, was enacted by the House and the Senate on August 1 and is now before Governor Charlie Baker for his review and signature. The bill represents a compromise reached by a six-member conference committee, on which Representative Kane served, that worked to reconcile the differences between earlier versions of the bill passed by both legislative branches.

Representative Kane said the mental health access bill takes step to improve response time for individuals seeking acute psychiatric care, who are often forced to wait for extended periods of time in a hospital emergency room for a bed to become available, a practice known as “boarding”. To help address this problem, Senate Bill 3097 calls for the creation of online portals to help health care providers more easily identify open beds for minors and adults in need of mental health and substance use services.

“This legislation is a sea-change, greatly improving access to mental and behavioral health services and addressing some of the most challenging aspects of delivering this critical health care to all,” stated Representative Kane. “Far too many families have seen loved ones suffering and unable to access the short- and long-term care they need to get well and be well, my family included. I am proud to have worked with my fellow conferees to negotiate this impactful legislation.”

Under the bill, a new Office of Behavioral Health Promotion would be established within the Executive Office of Health and Human Services to coordinate all state programs promoting mental, emotional, and behavioral health and wellness. The bill also eliminates prior authorization for mental health acute treatment and stabilization services for adults and children, and calls for the creation of a special commission that will make recommendations for establishing a common set of criteria for providers and payers to use in making medical necessity determinations involving behavioral health treatment.

The ABC Act also imposes new requirements on insurers to enhance behavioral health coverage. In addition to mandating insurance coverage for annual mental health wellness exams, the bill requires insurers to provide equitable reimbursement rates to mental health providers and to cover emergency service programs that offer crisis assessment, intervention, and stabilization services to individuals with psychiatric illnesses. It also ensures that individuals with behavioral health-related disabilities will continue to be covered under their parents’ health insurance after turning 26.

Senate Bill 3097 directs the Division of Insurance to monitor insurers' compliance with parity laws and to investigate any consumer complaints of violations. It also empowers the Office of Patient Protection to monitor insurance carriers' denials of coverage, and to refer potential violations to the Division of Insurance, the Group Insurance Commission, or the Attorney General's office.

Other key policy reforms contained in Senate Bill 3097 include:

- the creation of a standard release form to facilitate the sharing of confidential mental health and substance use disorder information for patients with multiple health care providers;
- the establishment of a student stakeholder advisory committee on mental health to develop and implement school-based programs promoting student mental health and well-being in collaboration with the Department of Elementary and Secondary Education;
- the use of behavioral health assessments and referrals for children entering the state's foster care system;
- a requirement that the Department of Mental Health consider travel distance, access to transportation, and other potential barriers to care when contracting for services in geographically isolated and rural communities;
- the statewide implementation of the national 988 hotline devoted to round-the-clock suicide prevention and behavioral health crisis services;
- the expansion of 911 coverage until the 988 hotline is fully implemented to enhance regional emergency responses to behavioral health crises;
- conducting a public awareness campaign on the state's red flag laws and extreme risk protection orders; and
- providing an interim licensure level for Licensed Mental Health Counselors so they can receive reimbursement for their services and qualify for state and federal grant and loan forgiveness programs

Governor Baker has until August 11 to sign the ABC Act into law.

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