

An Act Improving and Expanding Behavioral Health Services for Children in the Commonwealth

Sponsored by Sen. Tolman and Rep. Balser

Thematic Summary

Ensures the early identification of children with mental health needs by reaching them in familiar and easily accessible settings, such as schools, early education programs, and pediatricians' offices.

- Requires the Department of Early Education and Care(DEEC) to provide behavioral health consultations
 - *Children will be screened for behavioral health problems in childcare and pre-school settings.*
 - *Requires the DEEC to report on its capacity to provide mental health services and the most effective intervention and prevention strategies*
- Promotes pediatric provider screening for behavioral health problems
 - *Requires Office of Medicaid to convene a working group on the early identification of developmental, mental health, and substance abuse problems in the pediatric primary care setting.*
 - *Requires the Office of Medicaid to specifically reimburse pediatricians for behavioral health screenings.*
- Increases health services available to children in public schools
 - *Requires school to assign a full-time physician, nurse practitioner or registered nurse to each school in their district with 500 or more students.*
- Evaluates capacity of schools to meet educational needs of children with behavioral health issues
 - *Requires the Department of Education (DOE) to develop, and pilot in at least 10 school districts, evaluation criteria and benchmarks for assessing the capacity of school districts and individual schools to address student behavioral health issues.*
- Promotes the provision of mental health consultative services to schools
 - *Requires the MassHealth, in collaboration with the Department of Mental Health and the Department of Education, to develop a proposal for the provision of mental health consultative services to schools.*
 - *School staff who have concerns about a child's mental health will be able to access a mental health professional for consultation and advice.*

Ensures that children are treated in the least restrictive, most appropriate setting.

- Creates a fund to move children from inpatient to residential facilities of community-based settings
 - *Establishes an Interim Residential Placement Fund to use to move children and adolescents with behavioral health needs who are “stuck” in an inpatient facility to more appropriate residential or community-based settings.*
 - *To be eligible for the fund a child must be enrolled in MassHealth and be a client of another agency within the Executive Office of Health and Human Services. The inpatient facility and the relevant utilization review team must both determine that the child no longer requires inpatient treatment.*
 - *Funds may be used to pay for up to 30 days of interim residential, step-down or community-based services while relevant state agencies develop a permanent treatment plan.*

Improves insurance coverage for children with mental health needs.

- Requires insurers to cover mental health services on a non-discriminatory basis
 - *Amends the current mental health parity law to provide for truly comprehensive parity.*
 - *Requires insurers to provide coverage on a nondiscriminatory basis for the diagnosis and treatment of any mental disorder described in the most recent edition of the Diagnostic and Statistical Manual (DSM) or the International Classification of Diseases and Related Health Problems (ICD).*
- Requires insurers to reimburse mental health professionals for collateral behavioral health services for children
 - *Allows mental health professionals to work with a child’s parents, teachers and primary care providers to provide high-quality, coordinated care.*
 - *Requires insurers to pay mental health professionals for these collateral services which will strengthen the system of care.*
- Expands MassHealth to cover youth through age 20
 - *Extends MassHealth to cover children until they turn 21*
- Grants authority to the division of insurance to regulate mental health carve out companies
 - *Requires the carve out to file an annual financial report with Division of Insurance exactly as the parent company is required to file.*
 - *Provides consumers with notice from the carve-out as to their rights and the obligations of the carve out.*
 - *Holds the parent HMO accountable for any carve out that does not comply with the law.*

Restructures how the Commonwealth oversees, provides and coordinates children's behavioral health services.

- Designates the department of mental health as the leading voice for children's mental health
 - *Designates the Department of Mental Health (DMH) as the leading voice and authority in the design of the Commonwealth's behavioral health services for children.*
 - *Requires all other state agencies must consult with the Commissioner of Mental Health when making decisions which pertain to behavioral health services for children.*
 - *Requires DMH to report annually on the state of children's behavioral health in the Commonwealth.*
- Permanently establishes the mental health commission for children
- Creates a children's behavioral health research and evaluation council
 - *Provides structure for an external institute to meet the research, evaluation, and reporting needs of the Department of Mental Health and other agencies that serve the behavioral health needs of children.*
 - *Council will help state agencies gain the capacity to collect and report essential service and budget information, such as: demand for services; services delivered; effectiveness of services delivered; cost of services; service gaps; and appropriate evidence-based responses to gaps*
- Creates an Office of Compliance to facilitate compliance with *Rosie D. v. Romney*
 - *Establishes an Office of Compliance Coordination, within the Executive Office of Health and Human Services (EOHHS), to provide administrative oversight, monitoring, and implementation of the remedial plans and court orders in Rosie D. v. Romney.*
 - *Compliance Coordinator has the authority to review, evaluate, design, and implement activities to facilitate compliance with remedial plans and court orders by EOHHS agencies and employees.*
- Creates multi-agency teams to improve case management for children with complex needs
 - *Mandates that all Executive Office of Health and Human Services agencies identify children with complex behavioral health needs.*
 - *Creates multi-agency teams to coordinate services for children identified as having complex needs and delineates a procedure for informal internal review of the decisions of those teams.*
 - *Provides a formal hearing process to be used if informal processes are not sufficient to provide the child with needed services.*