



An Act promoting a resilient health care system that puts patients first

On January 1, 2021, Gov. Charlie Baker signed [health care legislation](#) designed to respond to the current public health crisis and advance health reform in the Commonwealth. Key provisions in this legislation extend and strengthen access to telehealth, which is critical to support individuals with behavioral health conditions to access care during the pandemic and offers an effective strategy to improve access and engagement.

Telehealth Provisions Specific to Behavioral Health

- Rate parity for in-person and telehealth services are made **permanent** for behavioral health services delivered via telehealth.
- Covered behavioral health services are comprehensive and include evaluation, diagnosis, treatment, and management.
- Behavioral health services are specifically defined as including mental health, substance use, and developmental conditions.

This legislation makes telehealth services permanently available for Massachusetts patients after the COVID-19 state of emergency has ended by requiring insurance carriers, including MassHealth, to cover telehealth services in any case where the same service would be covered if offered in-person and the use of telehealth is appropriate. Protections are included to ensure equitable access to both telehealth and in-person care.

General Telehealth Provisions

- Telehealth services include consultation services. This provision is especially important for coordinating care among several providers or across different systems (e.g., between a school and a mental health clinic).
- Telehealth includes coverage for audio-only telehealth services (in addition to audio/video telehealth), which allows for more equitable access to telehealth care.
- Network adequacy requirements cannot be met through telehealth providers. Insurers will continue to be required to provide an adequate network to ensure patient access appropriate in-person care.
- There are no limits on the settings in which telehealth can be provided, which is important for ensuring patient privacy and access to care in settings such as schools or residential facilities.

Additional Provisions

- Surprise billing is prohibited. Providers must disclose whether they are in-network, the allowed amount for the service, and facility fees. Consumers must have access to information on any applicable out-of-pocket costs.
- Insurance companies are required to cover PANDAS/PANS (Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections), and an Advisory Council is established within the Department of Public Health.
- Easier access to urgent care facilities is provided for MassHealth members, and urgent care centers are required to connect MassHealth members with local Primary Care Providers.
- HPC/CHIA is directed to conduct an analysis and issue a report on the impact that the COVID-19 pandemic has had on the Massachusetts health care system.

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