

By Mr. Flaherty of Boston, petition of Michael F. Flaherty relative to the treatment of alcoholics and chemically dependent persons. Insurance.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT TO ENSURE ACCESS TO TREATMENT FOR ALCOHOLICS AND CHEMICALLY DEPENDENT PERSONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Notwithstanding any general or special law or rule or regula-  
2 tion to the contrary, any insurer, including HMOs, shall grant  
3 up to 8 days of emergency alcohol or drug treatment without  
4 insurer pre-admission screening, concurrent or retrospective  
5 review, to all clients who meet the admission criteria of a treat-  
6 ment facility. Following emergency treatment clients may be  
7 referred on for an additional 14 days of rehabilitation at the  
8 recommendation of the clinical staff of the facility without insurer  
9 review. If, however, the percentage of clients who are referred on  
10 past the eight days surpasses 40% at a particular facility, the  
11 insurer may then implement an appropriate utilization review  
12 process.

13 An Appeals Board shall be established consisting of one insurer-  
14 appointed physician, one provider-appointed physician and one  
15 physician mutually agreed upon by the provider and the insurer,  
16 will review any appeals of denied claims and render prompt judge-  
17 ment, such that it will not interfere with the continuity of care.

18 The thirty-day inpatient benefit provided by section 10 of 176A  
19 of the General Laws shall be applicable at any duly licensed  
20 alcohol or drug abuse treatment facility, whether it is located  
21 within the Commonwealth or without the Commonwealth.

REPORT OF THE

COMMISSIONERS OF THE GENERAL LAND OFFICE