

## **H. 485/S. 555: An act requiring mental health parity for disability policies**

### **Summary of Issue**

***Currently there are discriminatory limitations in private short- and long-term disability policies on benefits paid to persons disabled by mental disorders. Either no benefits are paid to these workers or they are paid for a shorter period of time than persons disabled by physical disorders.***

**Sponsor of Act:** Rep. Ruth Balser, Sen. Joan Lovely **co-sponsors of Act:** Rep. Frank Smizik, Sen. Bruce Tarr, Rep. Elizabeth Malia, Rep. Kay Khan, Rep. Mary Keefe, Rep. Denise Provost, Rep. Ken Gordon, Rep. Marjorie Decker, Rep. Michael Day, Rep. Paul McMurtry, Rep. Jonathan Hecht, Rep. Anne Gobi, Rep. Carlos Gonzalez, Rep. Tricia Farley-Bouvier, Rep. Carmine Gentile, Rep. Paul Heroux, Rep. David Rogers, Rep. Steven Ultrino, Rep. Angelo Puppolo, Jr., Rep. Sean Garballey, Rep. Denise Garlick, Rep. Joseph McKenna, Rep. Jose Tosado, Rep. Diana DiZoglio, Rep. John Lawn, Jr., Sen. Michael Barrett, Rep. James J. O'Day, Rep. Christine Barber Rep. Colleen Garry, Rep. Mathew Muratore, Rep. Jay Kaufman, Rep. Angelo Scaccia, Sen. Walter Timilty, Sen. Sal DiDomenico, Sen. Barbara L'Italien, Sen. Jason Lewis, Sen. Pat Jehlen, Sen. Thomas McGee, Rep. Thomas Walsh, Rep. Daniel Cahill, Rep. Solomon Goldstein-Rose, Rep. Michelle DuBois, Rep. Bud Williams, Rep. Linda Dean Campbell, Rep. James Dwyer, Rep. Stephan Hay, Rep. Mike Connolly, Rep. Adrian Madaro, Rep. Aaron Vega, Rep. David Linsky, Rep. Brian Murray, Rep. Natalie Higgins, Rep. Thomas Stanley, Rep. Jack Lewis, Rep. Richard Ross. **Status:** Joint Committee on Financial Services

**Partial list of current and former organizational supporters:** Attorney General Maura Healey, Disability Law Center, National Alliance on Mental Illness – MA, First Parish Unitarian Universalist (Canton), Massachusetts Association of Behavioral Health Systems, Metro Boston Recovery Learning Community, Southeast Recovery Learning Community, NAMI Greater Boston Consumer Advocacy Network, United Church of Christ Task Force to End Homelessness (Massachusetts Conference), Babson College Hillel, Massachusetts Employment Lawyers Association, Inc., NAMI Dorchester/Mattapan/Roxbury, Traprock Center for Peace and Justice (Greenfield), American Psychiatric Association, ACLU of MA, The Psychological Center (Lawrence), Jane Doe, Inc. (MA Coalition Against Sexual Assault and Domestic Violence), Harvard Legal Aid Bureau, Elizabeth Freeman Center, Inc.(Pittsfield), Health Law Advocates, M-Power, Duffy Health Center (Hyannis), UCC Congregational in Burlington, Association for Behavioral Healthcare, Massachusetts Housing and Shelter Alliance, Center for Public Representation, National Association of Social Workers – MA, Health Care for All, Our Lady of the Valley Parish (Sheffield), First Unitarian Universalist Society of Middleborough, American Nurses Association Massachusetts, Anchor House of Artists (Northampton), First Parish in Wayland S.A.C., Cambridge Economic Opportunity Committee, Inc., Massachusetts Coalition for the Homeless, Mental Health Legal Advisors Committee, AARP-Massachusetts, First Church in Belmont Unitarian Universalist S.A.C., G.L.A.D., Lynn Community Health Center, AANE-Asperger/Autism Network (Watertown), Crittenton Women's Union, Asian American Resource Workshop, Islamic Society of Boston Cultural Center, Wellesley College Hillel, NAMI South Shore, Nonotuck Resource Associates, Inc. (Florence), Boston College Legal Services, Massachusetts Psychological Association, Autistic Self Advocacy Center of Greater Boston, Justice and Witness Council of the Massachusetts Conference, UCC, Massachusetts Mental Health Counselors Association, Inter-Church Council of Greater New Bedford, Multi-Cultural Independent Living Center of Boston, Women's Lunch Place (Boston), Massachusetts Association for Mental Health, Unitarian Universalist Society of Martha's Vineyard, Shir Hadash (Newton), Arise for Social Justice (Springfield), NAMI Berkshire County, Massachusetts Association of Advanced Practice Psychiatric Nurses, SEIU Local 509, NAMI Northeast Essex, Transformation Center, NAMI Central Middlesex, Social Action Massachusetts, Boston Center for Independent Living, NAMI Central Massachusetts, South Middlesex Opportunity Council, Close to Home (Dorchester), ACCEPT Education Collaborative (Natick), Southeast Center for Independent Living, Inc., The Carson Center for Human Resources (Westfield), Harbor Health Services, Inc. (Dorchester and Hyannis), YWCA Central Massachusetts, Northshore Education Consortium (Beverly), NAMI Newton/Wellesley, Follen Community Church of Lexington C.C.C./S.A.C., NAMI North Central Massachusetts, Citizens' Housing and Planning Association, Center for Health Law and Policy Innovation of Harvard Law School, NAMI Cape Ann, Renfrew Center of Boston.

### **What this Bill Does**

***H.485/S.555 prevents insurance companies from limiting disability benefits ONLY for those with behavioral health diagnoses.***

#### **Argument Insurance Companies will use against Bill**

***Insurance companies protest that limiting disability policies saves money and keeps premiums low.***

#### **Reasons to support H.485/S.555**

***--These limits on benefits are based on stigma directed toward persons with mental disabilities, not on hard evidence. Insurers have no evidence that covering persons with mental disabilities is more expensive than covering persons with physical disabilities.***

***--Adequate benefits are necessary to all for sufficient treatment and time for recovery to allow them to return to work successfully.***

***--Save state and federal money by stopping highly profitable insurance companies from shifting the cost of supporting the disabled to the government.***

***--Given our experience with providing people with mental illness parity in health insurance, any increase in disability insurance costs is likely to be minimal (it was 1.4% for health insurance).***

*It's only fair that employees disabled by mental illness who paid the same premiums as other employees get the same benefits.  
What other group pays the same price for something and gets less?*

**Please support H. 485/S. 555**

## **An Act requiring mental health parity for disability policies.**

SECTION 1. Section 108 of chapter 175 of the General Laws is hereby amended by adding the following:-

"13. No individual policy of short-term or long-term disability insurance providing income replacement benefits that is issued or renewed in the Commonwealth shall impose benefit limitations or exclusions upon claimants affected by behavioral health disorders, where such limitations or exclusions are not imposed equally upon claimants affected by physical disorders."

SECTION 2. Section 110 of chapter 175 of the General Laws is hereby amended by adding the following subsection:-

“(Q) No certificate of coverage under a group policy of short-term or long-term disability insurance providing income replacement benefits that is issued or renewed in the Commonwealth shall impose benefit limitations or exclusions upon claimants affected by behavioral health disorders, where such limitations or exclusions are not imposed equally upon claimants affected by physical disorders.”

SECTION 3. Nothing in this Act shall be construed to prohibit periodic medical exams or other procedures reasonably calculated to determine whether or not a disability exists, or continues to exist; provided said examinations, procedures or protocols are comparable and no more frequent or onerous than those required for disabilities caused by physical disorders.

**For more information contact: Susan Fendell, Mental Health Legal Advisors Committee, at 617-338-2345 x129.**