

1 **MENTAL HEALTH ACCESS AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Luz Escamilla**

5 House Sponsor: Stewart E. Barlow

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies an insurer's responsibilities for mental health coverage.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms; and
- 13 ▶ requires a health benefit plan to reimburse for telehealth services for a mental health
- 14 condition if certain conditions are met.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 [31A-22-649.5](#), as enacted by Laws of Utah 2020, Chapter 119

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section [31A-22-649.5](#) is amended to read:

25 **[31A-22-649.5. Insurance parity for telemedicine services.](#)**

26 (1) As used in this section:

27 (a) "Mental health condition" means the same as that term is defined in Section

28 [31A-22-625](#).

29 ~~[(a)]~~ (b) "Telehealth services" means the same as that term is defined in Section
30 26-60-102.

31 ~~[(b)]~~ (c) "Telemedicine services" means the same as that term is defined in Section
32 26-60-102.

33 (2) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan
34 offered in the individual market, the small group market, or the large group market [~~and~~
35 ~~entered into or renewed on or after January 1, 2021,~~] shall:

36 (a) provide coverage for telemedicine services that are covered by Medicare; [~~and~~]

37 (b) reimburse, at a commercially reasonable rate, a network provider that provides the
38 telemedicine services described in Subsection (2)(a)~~[-]; and~~

39 (c) provide coverage for medically necessary treatment of a mental health condition
40 through telehealth services if:

41 (i) the health benefit plan provides coverage for the treatment of the mental health
42 condition through in person services; and

43 (ii) the insurer determines treatment of the mental health condition through telehealth
44 services meets the appropriate standard of care.

45 (3) Notwithstanding Section 31A-45-303, a health benefit plan providing treatment
46 under Subsection (2) may not impose originating site restrictions, geographic restrictions, or
47 distance-based restrictions.

48 Section 2. **Effective date.**

49 If approved by two-thirds of all the members elected to each house, this bill takes effect
50 upon approval by the governor, or the day following the constitutional time limit of Utah
51 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
52 the date of veto override.