

28 contract uses a managed care organization or system for the treatment of physical health
29 conditions, provided that the managed care organization or system is in compliance with the rules
30 adopted by the commissioner pursuant to Subsection (7).

31 (5) (a) A policy or contract shall be in compliance with this section if the policy or contract
32 offers at least one coverage option that places no greater financial burden on the insured for the
33 treatment of mental health conditions than for the treatment of physical health conditions.

34 (b) The commissioner may disapprove any policy or contract that the commissioner
35 determines to be inconsistent with the purposes of this section.

36 (6) To be eligible for coverage under this section treatment for a mental health condition
37 must be rendered:

38 (a) by a mental health professional licensed pursuant to Title 58, Chapter 60, Mental
39 Health Professional Practice Act; or

40 (b) in a health care facility licensed to provide mental health service pursuant to Title 26,
41 Chapter 21, Health Care Facility Licensing and Inspection Act, or Title 62A, Chapter 2, Licensure
42 of Programs and Facilities, that provides a program for the treatment of a mental health condition
43 pursuant to a written plan.

44 (7) The commissioner shall adopt rules to ensure that:

45 (a) timely and appropriate access to mental health treatment is available; and

46 (b) administrative and clinical protocols do not serve to reduce access to medically
47 necessary mental health treatment for any insured.

48 (8) As used in this section:

49 (a) "Mental health condition" means any condition or disorder involving mental illness that
50 falls under any of the diagnostic categories listed in the mental disorders section of the
51 International Classification of Diseases, as periodically revised.

52 (b) "Rate, term, or condition" means any lifetime or annual payment limits, deductibles,
53 copayments, coinsurance, and any other cost-sharing requirements, out-of-pocket limits, visit
54 limits, or any other financial component of health insurance coverage that affects the insured.

55 **Section 2. Effective date.**

56 This act takes effect on July 1, 2000.

Legislative Review Note
as of 1-28-99 1:43 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel