

Senator Luz Escamilla proposes the following substitute bill:

**MENTAL HEALTH ACCESS AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Escamilla**

House Sponsor: Stewart E. Barlow

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

**⚡→ [None] This bill provides a special effective date. ←⚡**

**Utah Code Sections Affected:**

AMENDS:

**31A-22-649.5**, as enacted by Laws of Utah 2020, Chapter 119

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

Section 1. Section **31A-22-649.5** is amended to read:

**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.

47a **Ĥ→ Section 2. Effective Date.**

47b **If approved by two-thirds of all the members elected to each house, this bill takes effect**  
47c **upon approval by the governor, or the day following the constitutional time limit of Utah**  
47d **Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,**  
47e **the date of veto override. ←Ĥ**