

Senator Todd D. Weiler proposes the following substitute bill:

MENTAL HEALTH SYSTEMS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill addresses mental and behavioral health services in the state.

Highlighted Provisions:

This bill:

- ▶ creates, modifies, and repeals definitions;
- ▶ requires the base budget to include certain appropriations to the Department of Health and the Department of Human Services for insurance plans that contract with the state's Medicaid program for behavioral health services;
- ▶ requires a health benefit plan to reimburse for behavioral telemedicine services at the contracted in-person rate for the services;
- ▶ prohibits a health benefit plan from requiring a network provider to use a particular method of technology for behavioral telemedicine services;
- ▶ prohibits the Division of Occupational and Professional Licensing from refusing to issue or taking disciplinary action against the occupational license of certain health care providers based solely on the provider seeking or participating in mental health or substance abuse treatment; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 This bill provides a coordination clause.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **26-18-405.5**, as enacted by Laws of Utah 2015, Chapter 288

33 **31A-22-649.5**, as enacted by Laws of Utah 2020, Chapter 119

34 **58-1-401**, as last amended by Laws of Utah 2020, Chapter 289

35 **58-31b-401**, as last amended by Laws of Utah 2019, Chapter 136

36 **58-60-108**, as enacted by Laws of Utah 1994, Chapter 32

37 **58-61-401**, as enacted by Laws of Utah 1994, Chapter 32

38 **58-67-401**, as last amended by Laws of Utah 2011, Chapter 214

39 **58-68-401**, as last amended by Laws of Utah 2011, Chapter 214

40 **58-70a-401**, as enacted by Laws of Utah 1997, Chapter 229

41 ENACTS:

42 **58-81-105**, Utah Code Annotated 1953

43 **Utah Code Sections Affected by Coordination Clause:**

44 **31A-22-649.5**, as enacted by Laws of Utah 2020, Chapter 119



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

47 Section 1. Section **26-18-405.5** is amended to read:

48 **26-18-405.5. Base budget appropriations for Medicaid accountable care**
49 **organizations and mental health plans.**

50 (1) ~~[For purposes of]~~ As used in this section:

51 (a) ~~["ACOs" means accountable care organizations.]~~ "ACO" means an accountable
52 care organization that contracts with the state's Medicaid program for physical or behavioral
53 health services.

54 (b) "Base budget" means the same as that term is defined in legislative rule.

55 ~~[(c) "Current fiscal year PMPM" means per-member-per-month funding for Medicaid~~
56 ~~accountable care organizations under the Department of Health in the current fiscal year.]~~

57 ~~[(d)]~~ (c) "General Fund growth factor" means the amount determined by dividing the
 58 next fiscal year ongoing General Fund revenue estimate by current fiscal year ongoing
 59 appropriations from the General Fund.

60 (d) "Mental health plan" means an integrated managed care plan, a prepaid mental
 61 health plan, or a health plan that uses a fee-for-service payment model that contracts with the
 62 state's Medicaid program for behavioral health services.

63 (e) "Next fiscal year ongoing General Fund revenue estimate" means the next fiscal
 64 year ongoing General Fund revenue estimate identified by the Executive Appropriations
 65 Subcommittee, in accordance with legislative rule, for use by the Office of the Legislative
 66 Fiscal Analyst in preparing budget recommendations.

67 ~~[(f) "Next fiscal year PMPM" means per-member-per-month funding for Medicaid~~
 68 ~~accountable care organizations under the Department of Health for the next fiscal year.]~~

69 (f) "PMPM" means per-member-per-month funding.

70 (2) ~~[(H)]~~ Subject to Subsection (5), if the General Fund growth factor is less than 100%,
 71 the next fiscal year base budget shall include an appropriation:

72 (a) to the ~~Department of Health for Medicaid]~~ department for ACOs under the
 73 department in an amount necessary to ensure that the next fiscal year PMPM for the ACOs
 74 equals the current fiscal year PMPM for the ACOs multiplied by 100%[-]; and

75 (b) to the Department of Human Services for mental health plans under the Department
 76 of Human Services in an amount necessary to ensure that the funding for the mental health
 77 plans in the next fiscal year equals the funding for the mental health plans in the current fiscal
 78 year multiplied by 100%.

79 (3) ~~[(H)]~~ Subject to Subsection (5), if the General Fund growth factor is greater than or
 80 equal to 100%, but less than 102%, the next fiscal year base budget shall include an
 81 appropriation:

82 (a) to the ~~Department of Health for Medicaid]~~ department for ACOs under the
 83 department in an amount necessary to ensure that the next fiscal year PMPM for the ACOs
 84 equals the current fiscal year PMPM for the ACOs multiplied by the General Fund growth
 85 factor[-]; and

86 (b) to the Department of Human Services for mental health plans under the Department
 87 of Human Services in an amount necessary to ensure that the funding for the mental health

88 plans in the next fiscal year equals the funding for the mental health plans in the current fiscal
89 year multiplied by the General Fund growth factor.

90 (4) [~~H~~] Subject to Subsection (5), if the General Fund growth factor is greater than or
91 equal to 102%, the next fiscal year base budget shall include an appropriation:

92 (a) to the [~~Department of Health for Medicaid~~] department for ACOs under the
93 department in an amount necessary to ensure that the next fiscal year PMPM for the ACOs is
94 greater than or equal to the current fiscal year PMPM for the ACOs multiplied by 102% and
95 less than or equal to the current fiscal year PMPM for the ACOs multiplied by the General
96 Fund growth factor[-]; and

97 (b) to the Department of Human Services for mental health plans under the Department
98 of Human Services in an amount necessary to ensure that the funding for the mental health
99 plans in the next fiscal year is greater than or equal to the funding for the mental health plans in
100 the current fiscal year multiplied by 102% and less than or equal to the funding for the mental
101 health plans in the current fiscal year multiplied by the General Fund growth factor.

102 (5) (a) The appropriations provided to the department under this section shall be
103 reduced by the amount contributed by counties in the current fiscal year for ACOs under the
104 department in accordance with Subsection [17-43-201\(5\)\(k\)](#) or [17-43-301\(6\)\(a\)\(x\)](#).

105 (b) The appropriations provided to the Department of Human Services under this
106 section shall be reduced by the amount contributed by counties in the current fiscal year for
107 mental health plans under the Department of Human Services in accordance with Subsections
108 [17-43-201\(5\)\(k\)](#) and [17-43-301\(6\)\(a\)\(x\)](#).

109 [~~5~~] (6) In order for the department and the Department of Human Services to estimate
110 the impact of Subsections (2) through (4) [~~prior to~~] before identification of the next fiscal year
111 ongoing General Fund revenue estimate [~~under Subsection (1)(e)~~], the Governor's Office of
112 Management and Budget shall, in cooperation with the Office of the Legislative Fiscal Analyst,
113 develop an estimate of ongoing General Fund revenue for the next fiscal year and provide [it]
114 the estimate to the department and the Department of Human Services no later than September
115 1 of each year.

116 Section 2. Section **31A-22-649.5** is amended to read:

117 **31A-22-649.5. Insurance parity for telemedicine services.**

118 (1) As used in this section:

- 119 (a) "Behavioral health treatment" means a counseling or treatment program that:
120 (i) is necessary to develop, maintain, or restore, to the maximum extent practicable, the
121 functioning of the individual; and
122 (ii) is provided or supervised by:
123 (A) a board certified behavior analyst; or
124 (B) an individual licensed under Title 58, Chapter 1, Division of Occupational and
125 Professional Licensing Act, whose scope of practice includes mental health services.
126 ~~["Telehealth services" means the same as that term is defined in Section 26-60-102;]~~
127 (b) "Telemedicine services" means the same as that term is defined in Section
128 26-60-102.
- 129 (2) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan
130 offered in the individual market, the small group market, or the large group market [~~and~~
131 ~~entered into or renewed on or after January 1, 2021,]~~ shall:
- 132 (a) (i) provide coverage for telemedicine services that are covered by Medicare; and
133 ~~[(b)]~~ (ii) except as provided in Subsection (2)(b), reimburse, at a commercially
134 reasonable rate, a network provider that provides the telemedicine services described in
135 Subsection ~~[(2)(a)].~~ (2)(a)(i); and
- 136 (b) (i) provide coverage for behavioral health treatment through telemedicine services
137 if:
138 (A) the health benefit plan provides coverage for the behavioral health treatment
139 through in-person services; and
140 (B) the health benefit plan determines the behavioral health treatment through
141 telemedicine services meets the appropriate standard of care; and
142 (ii) reimburse, at the same contracted rate as the behavioral health treatment through
143 in-person services described in Subsection (2)(b)(i), a network provider that provides the
144 telemedicine services described in Subsection (2)(b)(i).
- 145 (3) (a) Notwithstanding Section 31A-45-303, a health benefit plan providing treatment
146 under Subsection (2) may not impose originating site restrictions, geographic restrictions, or
147 distance-based restrictions.
- 148 (b) A health benefit plan may not require a network provider to use a particular method
149 of electronic communication or information technology for the telemedicine services described

150 in Subsection (2)(b).

151 Section 3. Section **58-1-401** is amended to read:

152 **58-1-401. Grounds for denial of license -- Disciplinary proceedings -- Time**
153 **limitations -- Sanctions.**

154 (1) The division shall refuse to issue a license to an applicant and shall refuse to renew
155 or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a
156 licensee who does not meet the qualifications for licensure under this title.

157 (2) The division may refuse to issue a license to an applicant and may refuse to renew
158 or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise
159 act upon the license of a licensee for the following reasons:

160 (a) subject to the provisions of Subsection (7), the applicant or licensee has engaged in
161 unprofessional conduct, as defined by statute or rule under this title;

162 (b) the applicant or licensee has engaged in unlawful conduct as defined by statute
163 under this title;

164 (c) the applicant or licensee has been determined to be mentally incompetent by a court
165 of competent jurisdiction; or

166 (d) subject to Subsections 58-31b-401(7), 58-60-108(2), 58-61-401(2), 58-67-401(2),
167 58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or licensee is unable to
168 practice the occupation or profession with reasonable skill and safety because of illness,
169 drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material, or as a
170 result of a mental or physical condition, when the condition demonstrates a threat or potential
171 threat to the public health, safety, or welfare.

172 (3) A licensee whose license to practice an occupation or profession regulated by this
173 title has been suspended, revoked, placed on probation, or restricted may apply for
174 reinstatement of the license at reasonable intervals and upon compliance with conditions
175 imposed upon the licensee by statute, rule, or terms of the license suspension, revocation,
176 probation, or restriction.

177 (4) The division may issue cease and desist orders to:

178 (a) a licensee or applicant who may be disciplined under Subsection (1) or (2);

179 (b) a person who engages in or represents that the person is engaged in an occupation
180 or profession regulated under this title; and

181 (c) a person who otherwise violates this title or a rule adopted under this title.

182 (5) The division may impose an administrative penalty in accordance with Section
183 58-1-502.

184 (6) (a) The division may not take disciplinary action against a person for
185 unprofessional or unlawful conduct under this title, unless the division enters into a stipulated
186 agreement or initiates an adjudicative proceeding regarding the conduct within four years after
187 the conduct is reported to the division, except under Subsection (6)(b).

188 (b) (i) The division may not take disciplinary action against a person for unprofessional
189 or unlawful conduct more than 10 years after the occurrence of the conduct, unless the
190 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is
191 initiated within one year following the judgment or settlement.

192 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license due
193 to unprofessional or unlawful conduct that occurred more than 10 years before a request or
194 application for licensure is made.

195 (7) When the division is determining whether to refuse to issue a license to an
196 applicant, or to refuse to renew the license of a licensee, based solely on the criminal
197 conviction of an applicant or licensee, the division shall:

198 (a) provide individualized consideration to the applicant or licensee;

199 (b) determine whether the criminal conviction bears a substantial relationship to the
200 applicant's or licensee's ability to safely or competently practice the occupation or profession;
201 and

202 (c) consider the applicant's or licensee's current circumstances, which may include any
203 of the following:

204 (i) the age of the applicant or licensee when the applicant or licensee committed the
205 offense;

206 (ii) the time that has elapsed since the applicant or licensee committed the offense;

207 (iii) whether the applicant or licensee has completed the applicant's or licensee's
208 criminal sentence;

209 (iv) whether the applicant has completed or is actively participating in rehabilitative
210 drug or alcohol treatment;

211 (v) any testimonials or recommendations from other individuals provided by the

212 applicant or licensee, including a progress report from the applicant's or licensee's probation or
213 parole officer;

214 (vi) other evidence of rehabilitation provided by the applicant or licensee;

215 (vii) the education and training of the applicant or licensee;

216 (viii) the employment history of the applicant or licensee; and

217 (ix) other relevant information provided by the applicant or licensee.

218 Section 4. Section **58-31b-401** is amended to read:

219 **58-31b-401. Grounds for denial of licensure or certification and disciplinary**

220 **proceedings.**

221 (1) (a) As used in this section, "licensed" or "license" includes certified or certification
222 under this chapter.

223 (b) A term or condition applied to the word "nurse" under this section applies to a
224 medication aide certified.

225 (2) Grounds for refusal to issue a license to an applicant, for refusal to renew the
226 license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee,
227 to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be
228 in accordance with Section [58-1-401](#).

229 ~~[(2)-If]~~ (3) (a) (i) Subject to Subsection (7), if a court of competent jurisdiction
230 determines a nurse is incapacitated as defined in Section [75-1-201](#) or that the nurse has a
231 mental illness, as defined in Section [62A-15-602](#), and is unable to safely engage in the practice
232 of nursing, the director shall immediately suspend the license of the nurse upon the entry of the
233 judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative
234 Procedures Act, regardless of whether an appeal from the court's ruling is pending.

235 (ii) The director shall promptly notify the nurse in writing of ~~[the]~~ a suspension under
236 Subsection (3)(a)(i).

237 ~~[(3)-(a)-If]~~ (b) (i) Subject to Subsection (7), if the division and the majority of the
238 board find reasonable cause to believe a nurse who is not determined judicially to be an
239 incapacitated person or to have a mental illness, is incapable of practicing nursing with
240 reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or
241 alcohol, or as a result of any mental or physical condition, the board shall recommend that the
242 director file a petition with the division, and cause the petition to be served upon the nurse with

243 a notice of hearing on the sole issue of the capacity of the nurse to competently, safely engage
244 in the practice of nursing.

245 ~~[(b) The]~~ (ii) Except as provided in Subsection (4), the hearing described in
246 Subsection (3)(b)(i) shall be conducted under Section 58-1-109 and Title 63G, Chapter 4,
247 Administrative Procedures Act~~[-, except as provided in Subsection (4)]~~.

248 (4) (a) Every nurse who accepts the privilege of being licensed under this chapter gives
249 consent to:

250 (i) submitting to an immediate mental or physical examination, at the nurse's expense
251 and by a division-approved practitioner selected by the nurse when directed in writing by the
252 division and a majority of the board to do so; and

253 (ii) the admissibility of the reports of the examining practitioner's testimony or
254 examination, and waives all objections on the ground the reports constitute a privileged
255 communication.

256 (b) The examination may be ordered by the division, with the consent of a majority of
257 the board, only upon a finding of reasonable cause to believe:

258 (i) the nurse has a mental illness, is incapacitated, or otherwise unable to practice
259 nursing with reasonable skill and safety; and

260 (ii) immediate action by the division and the board is necessary to prevent harm to the
261 nurse's patients or the general public.

262 (c) (i) Failure of a nurse to submit to the examination ordered under this section is a
263 ground for the division's immediate suspension of the nurse's license by written order of the
264 director.

265 (ii) The division may enter the order of suspension without further compliance with
266 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to
267 submit to the examination ordered under this section was due to circumstances beyond the
268 control of the nurse and was not related directly to the illness or incapacity of the nurse.

269 (5) (a) A nurse whose license is suspended under Subsection ~~[(2);~~ (3)~~];~~ or (4)(c) has
270 the right to a hearing to appeal the suspension within 10 days after the license is suspended.

271 (b) The hearing held under this Subsection (5) shall be conducted in accordance with
272 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists
273 for the continuance of the order of suspension in order to prevent harm to the nurse's patients or

274 the general public.

275 (6) A nurse whose license is revoked, suspended, or in any way restricted under this
276 section may request the division and the board to consider, at reasonable intervals, evidence
277 presented by the nurse, under procedures established by division rule, regarding any change in
278 the nurse's condition, to determine whether:

279 (a) the nurse is or is not able to safely and competently engage in the practice of
280 nursing; and

281 (b) the nurse is qualified to have the nurse's license to practice under this chapter
282 restored completely or in part.

283 (7) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
284 licensee's license under this chapter solely because the applicant or licensee seeks or
285 participates in mental health or substance abuse treatment.

286 [~~(7) Nothing in]~~

287 (8) Section 63G-2-206 may not be construed as limiting the authority of the division to
288 report current significant investigative information to the coordinated licensure information
289 system for transmission to party states as required of the division by Article VII of the Nurse
290 Licensure Compact - Revised in Section 58-31e-102.

291 [~~(8) For purposes of this section:]~~

292 [~~(a) "licensed" or "license" includes "certified" or "certification" under this chapter;~~
293 ~~and]~~

294 [~~(b) any terms or conditions applied to the word "nurse" in this section also apply to a~~
295 ~~medication aide certified.]~~

296 Section 5. Section 58-60-108 is amended to read:

297 **58-60-108. Grounds for action regarding license -- Disciplinary proceedings.**

298 [~~The~~] (1) Subject to Subsection (2), the division's grounds for refusing to issue a
299 license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending,
300 restricting, or placing on probation the license of a licensee, for issuing a public or private
301 reprimand to a licensee, and for issuing a cease and desist order are under Section 58-1-401.

302 (2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
303 licensee's license under this chapter solely because the applicant or licensee seeks or
304 participates in mental health or substance abuse treatment.

305 Section 6. Section **58-61-401** is amended to read:

306 **58-61-401. Grounds for action regarding license -- Disciplinary proceedings.**

307 [~~The~~] (1) Subject to Subsection (2), the division's grounds for refusing to issue a
308 license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending,
309 restricting, or placing on probation the license of a licensee, for issuing a public or private
310 reprimand to a licensee, and for issuing a cease and desist order are under Section **58-1-401**.

311 (2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
312 licensee's license under this chapter solely because the applicant or licensee seeks or
313 participates in mental health or substance abuse treatment.

314 Section 7. Section **58-67-401** is amended to read:

315 **58-67-401. Grounds for denial of license -- Disciplinary proceedings.**

316 [~~Grounds~~] (1) Subject to Subsection (2), grounds for division action are set forth in
317 Sections **58-1-401** and **58-67-503**.

318 (2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
319 licensee's license under this chapter solely because the applicant or licensee seeks or
320 participates in mental health or substance abuse treatment.

321 Section 8. Section **58-68-401** is amended to read:

322 **58-68-401. Grounds for denial of license -- Disciplinary proceedings.**

323 [~~Grounds~~] (1) Subject to Subsection (2), grounds for division action are set forth in
324 Sections **58-1-401** and **58-68-503**.

325 (2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
326 licensee's license under this chapter solely because the applicant or licensee seeks or
327 participates in mental health or substance abuse treatment.

328 Section 9. Section **58-70a-401** is amended to read:

329 **58-70a-401. Grounds for denial of license -- Disciplinary proceedings.**

330 [~~Grounds~~] (1) Subject to Subsection (2), grounds for the following division actions
331 regarding a licensee are under Section **58-1-401**:

332 [~~(1)~~] (a) refusing to issue a license to an applicant;

333 [~~(2)~~] (b) refusing to renew the license of a licensee;

334 [~~(3)~~] (c) revoking, suspending, restricting, or placing on probation the license of a
335 licensee;

336 [~~4~~] (d) issuing a public or private reprimand to a licensee; and
337 [~~5~~] (e) issuing a cease and desist order.

338 (2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or
339 licensee's license under this chapter solely because the applicant or licensee seeks or
340 participates in mental health or substance abuse treatment.

341 Section 10. Section **58-81-105** is enacted to read:

342 **58-81-105. Grounds for denial of license.**

343 The division may not refuse, revoke, suspend, or in any way restrict the license of a
344 health care practitioner, as defined in Subsections 58-81-102(2)(c), (g), (h), (i), (j), and (l),
345 under this chapter solely because the health care practitioner seeks or participates in mental
346 health or substance abuse treatment.

347 Section 11. **Effective date.**

348 This bill takes effect on May 5, 2020, except that the amendments to Section
349 31A-22-649.5, if approved by two-thirds of all the members elected to each house, take effect
350 upon approval by the governor, or the day following the constitutional time limit of Utah
351 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
352 the date of veto override.

353 Section 12. **Coordinating S.B. 161 with S.B. 41 -- Technical amendment.**

354 If this S.B. 161 and S.B. 41 both pass and become law, the Legislature intends that the
355 Office of Legislative Research and General Counsel prepare the Utah Code database for
356 publication by amending Section 31A-22-649.5 to read:

357 **"31A-22-649.5. Insurance parity for telemedicine services.**

358 (1) As used in this section:

359 (a) "Behavioral health treatment" means a counseling or treatment program that:

360 (i) is necessary to develop, maintain, or restore, to the maximum extent practicable, the
361 functioning of the individual; and

362 (ii) is provided or supervised by:

363 (A) a board certified behavior analyst; or

364 (B) an individual licensed under Title 58, Chapter 1, Division of Occupational and
365 Professional Licensing Act, whose scope of practice includes mental health services.

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

367 [31A-22-625](#).

368 ~~[(a)]~~ (c) "Telehealth services" means the same as that term is defined in Section
369 26-60-102.

370 ~~[(b)]~~ (d) "Telemedicine services" means the same as that term is defined in Section
371 26-60-102.

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

375 (a) (i) provide coverage for telemedicine services that are covered by Medicare; and
376 ~~[(b)]~~ (ii) except as provided in Subsection (2)(c), reimburse, at a commercially
377 reasonable rate, a network provider that provides the telemedicine services described in
378 Subsection ~~[(2)(a)-]~~ (2)(a)(i);

379 (b) provide coverage for medically necessary treatment of a mental health condition
380 through telehealth services if:

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

383 (ii) the insurer determines treatment of the mental health condition through telehealth
384 services meets the appropriate standard of care; and

385 (c) (i) provide coverage for behavioral health treatment through telemedicine services
386 if:

387 (A) the health benefit plan provides coverage for the behavioral health treatment
388 through in-person services; and

389 (B) the health benefit plan determines the behavioral health treatment through
390 telemedicine services meets the appropriate standard of care; and

391 (ii) reimburse, at the same contracted rate as behavioral health treatment through
392 in-person services described in Subsection (2)(c)(i), a network provider that provides the
393 telemedicine services described in Subsection (2)(c)(i).

394 (3) (a) Notwithstanding Section [31A-45-303](#), a health benefit plan providing treatment
395 under Subsection (2) may not impose originating site restrictions, geographic restrictions, or
396 distance-based restrictions.

397 (b) A health benefit plan may not require a network provider to use a particular method

398 of electronic communication or information technology for the telemedicine services described
399 in Subsection (2)(c)."