

BILL ANALYSIS

C.S.H.B. 4401
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are currently five primary categories of licensed mental health providers in Texas: psychologists, clinical social workers, professional counselors, chemical dependency counselors, and marriage and family therapists. These mental health professionals play an important and cost-effective role in the delivery of critical care services, treating clients in a variety of settings and working directly through private insurance and the public health, behavioral health, human services, criminal justice, and educational systems.

Currently, Chapter 1451, Insurance Code, relating to access to certain practitioners and facilities, provides that an insured may directly select the mental health services of a licensed psychologist, social worker, or chemical dependency counselor as medically necessary and as specified within the terms and conditions set forth in the insurance policy. However, Chapter 1451 also authorizes a health plan to allow an insured's access to the services of two of the five types of primary licensed mental health professionals, a marriage and family therapist and a professional counselor, only after being recommended by a physician.

C.S.H.B. 4401 removes provisions authorizing a health insurance policy to require that services of a licensed professional counselor or a marriage and family therapist be recommended by a physician.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4401 amends the Insurance Code to remove provisions authorizing a health insurance policy to require that services of a licensed professional counselor or a marriage and family therapist be recommended by a physician. The bill makes its provisions applicable to an insurance policy or contract or evidence of coverage that is delivered, issued for delivery, or renewed on or after January 1, 2010.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4401 adds a provision not included in the original removing the authorization for a health insurance policy to require that services of a licensed professional counselor be recommended by a physician.