

By: Ellis

S.B. No. 1366

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for certain serious mental illnesses and mental disorders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1355.001, Insurance Code, is amended by amending Subdivision (1) and adding Subdivision (5) to read as follows:

(1) "Serious mental illness" means ~~[the following]~~ psychiatric illnesses as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual (DSM), fourth edition, or a later edition of that manual that the commissioner adopts by rule. The term includes:

(A) bipolar disorders (hypomanic, manic, depressive, and mixed);

(B) depression in childhood and adolescence;

(C) major depressive disorders (single episode or recurrent);

(D) obsessive-compulsive disorders;

(E) paranoid and other psychotic disorders;

(F) schizo-affective disorders (bipolar or depressive); and

(G) schizophrenia.

(5) "Mental disorder" means a disorder defined by the American Psychiatric Association in the Diagnostic and Statistical

1 Manual (DSM), fourth edition, or a later edition of that manual that
2 the commissioner adopts by rule. The term does not include:

3 (A) a condition classified by the manual as a
4 "V-code" disorder;

5 (B) mental retardation;

6 (C) a learning disorder;

7 (D) a motor skill disorder; or

8 (E) a communication disorder.

9 SECTION 2. Subchapter F, Chapter 1501, Insurance Code, is
10 amended by adding Section 1501.253 to read as follows:

11 Sec. 1501.253. MENTAL HEALTH BENEFITS. (a) In this
12 section:

13 (1) "Mental disorder" has the meaning assigned by
14 Section 1355.001.

15 (2) "Serious mental illness" has the meaning assigned
16 by Section 1355.001.

17 (b) Notwithstanding Chapter 1507, a small employer health
18 benefit plan issuer shall offer coverage under the standard health
19 benefit plan offered under Section 1501.252, based on medical
20 necessity, for treatment of a serious mental illness or a mental
21 disorder that is not classified as a serious mental illness that is
22 equal to the coverage the plan includes for physical illness. The
23 issuer is not required to provide the coverage required under this
24 subsection if the employer rejects the coverage.

25 SECTION 3. Subchapter M, Chapter 1501, Insurance Code, is
26 amended by adding Section 1501.6025 to read as follows:

27 Sec. 1501.6025. MENTAL HEALTH BENEFITS. (a) In this

1 section:

2 (1) "Mental disorder" has the meaning assigned by
3 Section 1355.001.

4 (2) "Serious mental illness" has the meaning assigned
5 by Section 1355.001.

6 (b) A large employer health benefit plan issuer shall offer
7 coverage, based on medical necessity, for treatment of a mental
8 disorder that is not classified as a serious mental illness that is
9 equal to the coverage the plan includes for physical illness. The
10 issuer is not required to provide the coverage required under this
11 subsection if the employer rejects the coverage.

12 SECTION 4. The change in law made by this Act applies only
13 to a small employer health benefit plan or large employer health
14 benefit plan that is delivered, issued for delivery, or renewed on
15 or after January 1, 2010. A health benefit plan that is delivered,
16 issued for delivery, or renewed before January 1, 2010, is covered
17 by the law in effect at the time the plan was delivered, issued for
18 delivery, or renewed, and that law is continued in effect for that
19 purpose.

20 SECTION 5. This Act takes effect September 1, 2009.