

By: Castro

H.B. No. 1192

A BILL TO BE ENTITLED

AN ACT

relating to the requirement and study of insurance coverage for serious emotional disturbance of a child.

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

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

(5) "Serious emotional disturbance of a child" means an emotional or behavioral disorder or a neuropsychiatric condition that causes a person's functioning to be impaired in thought, perception, affect, or behavior and that:

(A) has been diagnosed in a person who is at least three years of age and younger than 17 years of age;

(B) results in behavior inappropriate to the person's age according to expected developmental norms; and

(C) meets at least one of the following criteria:

(i) the disorder is likely to continue without treatment;

(ii) the disorder substantially impairs the person's ability in at least two of the following activities or tasks:

(a) self-care;

(b) engaging in family relationships;

(c) functioning in school; or

(d) functioning in the community;

1 (iii) the disorder creates a risk that the
2 person will be removed from the person's home;

3 (iv) the disorder causes the person to be
4 removed from the person's home;

5 (v) the disorder causes the person to:
6 (a) display psychotic features or
7 violent behavior; or
8 (b) pose a danger to the person's self
9 or others; or

10 (vi) the disorder results in the person
11 meeting state special education eligibility requirements.

12 SECTION 2. The heading to Section 1355.004, Insurance Code,
13 is amended to read as follows:

14 Sec. 1355.004. REQUIRED COVERAGE FOR SERIOUS EMOTIONAL
15 DISTURBANCE OF A CHILD AND SERIOUS MENTAL ILLNESS.

16 SECTION 3. Section 1355.004, Insurance Code, is amended by
17 amending Subsection (a) and adding Subsections (c), (d), and (e) to
18 read as follows:

19 (a) A group health benefit plan:
20 (1) must provide coverage for serious emotional
21 disturbance of a child diagnosed as described by Section
22 1355.001(5) and coverage, based on medical necessity, for serious
23 mental illness for not less than the following treatments [~~of~~
24 ~~serious mental illness~~] in each calendar year:

25 (A) 45 days of inpatient treatment; and
26 (B) 60 visits for outpatient treatment,
27 including group and individual outpatient treatment;

1 (2) may not include a lifetime limitation on the
2 number of days of inpatient treatment or the number of visits for
3 outpatient treatment covered under the plan; and

4 (3) must include the same amount limitations,
5 deductibles, copayments, and coinsurance factors for serious
6 emotional disturbance of a child and serious mental illness as the
7 plan includes for physical illness.

8 (c) The department shall conduct a study to determine and
9 evaluate the extent to which enrollees are making claims under
10 coverage for serious emotional disturbance of a child and the
11 impact, if any, the coverage for serious emotional disturbance of a
12 child and the claims have on the cost of the coverage for group
13 health benefit plans.

14 (d) Not later than August 1, 2012, the department shall
15 submit to the governor, the lieutenant governor, the speaker of the
16 house of representatives, and the appropriate standing committees
17 of the legislature a report regarding the results of the study
18 required by Subsection (c), together with any recommendations for
19 legislation.

20 (e) This subsection and Subsections (c) and (d) expire
21 September 1, 2013.

22 SECTION 4. Section 1355.054(a), Insurance Code, is amended
23 to read as follows:

24 (a) Benefits of coverage provided under this subchapter may
25 be used only in a situation in which:

26 (1) the covered individual has a serious mental
27 illness or serious emotional disturbance of a child that requires

1 confinement of the individual in a hospital unless treatment is
2 available through a residential treatment center for children and
3 adolescents or a crisis stabilization unit; and

4 (2) the covered individual's mental illness or
5 emotional disturbance:

6 (A) substantially impairs the individual's
7 thought, perception of reality, emotional process, or judgment; or

8 (B) as manifested by the individual's recent
9 disturbed behavior, grossly impairs the individual's behavior.

10 SECTION 5. The change in law made by this Act applies only
11 to a group health benefit plan that is delivered, issued for
12 delivery, or renewed on or after January 1, 2012. A group health
13 benefit plan that is delivered, issued for delivery, or renewed
14 before January 1, 2012, is governed by the law as it existed
15 immediately before the effective date of this Act, and that law is
16 continued in effect for that purpose.

17 SECTION 6. This Act takes effect September 1, 2011.