

By: Naishtat, Anderson of Dallas, Guillen

H.B. No. 838

A BILL TO BE ENTITLED

1 AN ACT

2 relating to coverage for serious mental illness under certain group
3 health benefit plans.

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

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

8 (1) "Serious mental illness" means the following
9 psychiatric illnesses as defined by the American Psychiatric
10 Association in the Diagnostic and Statistical Manual of Mental
11 Disorders (DSM), fifth edition, or a later edition adopted by the
12 commissioner:

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

15 (B) depression in childhood and adolescence;

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

18 (D) obsessive-compulsive disorders;

19 (E) paranoid and other psychotic disorders;

20 (F) posttraumatic stress disorder;

21 (G) schizo-affective disorders (bipolar or
22 depressive); and

23 (H) [~~(G)~~] schizophrenia.

24 (5) "Posttraumatic stress disorder" means a disorder

1 that:

2 (A) meets the diagnostic criteria for
3 posttraumatic stress disorder specified by the American
4 Psychiatric Association in the Diagnostic and Statistical Manual of
5 Mental Disorders, fifth edition, or a later edition adopted by the
6 commissioner; and

7 (B) results in an impairment of a person's
8 functioning in the person's community, employment, family, school,
9 or social group.

10 SECTION 2. The heading to Section 1355.003, Insurance Code,
11 is amended to read as follows:

12 Sec. 1355.003. EXCEPTIONS [~~EXCEPTION~~].

13 SECTION 3. Section 1355.003, Insurance Code, is amended by
14 adding Subsection (c) to read as follows:

15 (c) This subchapter, or the applicable portion of this
16 subchapter, does not apply to a qualified health plan to the extent
17 that a determination is made under 45 C.F.R. Section 155.170 that:

18 (1) this subchapter or a portion of this subchapter
19 requires the plan to offer benefits in addition to the essential
20 health benefits required under 42 U.S.C. Section 18022(b); and

21 (2) this state is required to defray the cost of the
22 benefits mandated under this subchapter or a portion of this
23 subchapter.

24 SECTION 4. The change in law made by this Act applies only
25 to a group health benefit plan that is delivered, issued for
26 delivery, or renewed on or after January 1, 2016. A group health
27 benefit plan that is delivered, issued for delivery, or renewed

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1 before January 1, 2016, is governed by the law as it existed
2 immediately before the effective date of this Act, and that law is
3 continued in effect for that purpose.

4 SECTION 5. This Act takes effect September 1, 2015.