

By: Naishtat, Anderson of Dallas

H.B. No. 838

Substitute the following for H.B. No. 838:

By: Frullo

C.S.H.B. No. 838

A BILL TO BE ENTITLED

AN ACT

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

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 of Mental Disorders (DSM), fifth edition, or a later edition adopted by the commissioner:

(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) posttraumatic stress disorder;

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

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

(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.