

By: Watson

S.B. No. 411

A BILL TO BE ENTITLED

AN ACT

relating to the participation of campus-based mental health professionals in certain health benefit plans.

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

SECTION 1. Section 843.010, Insurance Code, is amended to read as follows:

Sec. 843.010. APPLICABILITY OF CERTAIN PROVISIONS TO GOVERNMENTAL HEALTH BENEFIT PLANS. (a) Sections 843.306(f) and 843.363(a)(4) do not apply to coverage under:

(1) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(2) a Medicaid program, including a Medicaid managed care program operated under Chapter 533, Government Code.

(b) Section 843.3046 applies to:

(1) a basic coverage plan under Chapter 1551;

(2) a basic plan under Chapter 1575;

(3) a primary care coverage plan under Chapter 1579;

(4) basic coverage under Chapter 1601;

(5) a Medicaid managed care program operated under Chapter 533, Government Code; and

(6) the child health plan program under Chapter 62, Health and Safety Code.

SECTION 2. Subchapter I, Chapter 843, Insurance Code, is

1 amended by adding Section 843.3046 to read as follows:

2 Sec. 843.3046. CAMPUS-BASED MENTAL HEALTH PROFESSIONALS.

3 (a) In this section:

4 (1) "Campus-based mental health professional" means a
5 licensed clinical social worker, professional counselor,
6 psychological associate, or psychologist who provides mental
7 health care services primarily or exclusively at a campus of a
8 school district or an open-enrollment charter school.

9 (2) "Open-enrollment charter school" means a school
10 that has been granted a charter under Subchapter D, Chapter 12,
11 Education Code.

12 (3) "School district" means a public school district
13 created under the laws of this state.

14 (b) If a health maintenance organization includes mental
15 health care services in the services covered by the health
16 maintenance organization's health care plan, the health
17 maintenance organization may not reject the initial application of
18 a campus-based mental health professional to contract with the
19 health maintenance organization to provide mental health care
20 services on behalf of the health maintenance organization based on
21 a determination that the health maintenance organization has
22 contracted with sufficient qualified mental health care providers
23 in the applicant's geographic area.

24 (c) A campus-based mental health professional who applies
25 to a health maintenance organization to contract with the health
26 maintenance organization to provide mental health care services on
27 behalf of the health maintenance organization is entitled to an

1 expedited decision on the application.

2 SECTION 3. Subchapter C, Chapter 848, Insurance Code, is
3 amended by adding Section 848.111 to read as follows:

4 Sec. 848.111. CAMPUS-BASED MENTAL HEALTH PROFESSIONALS.

5 (a) In this section:

6 (1) "Campus-based mental health professional" means a
7 licensed clinical social worker, professional counselor,
8 psychological associate, or psychologist who provides mental
9 health care services primarily or exclusively at a campus of a
10 school district or an open-enrollment charter school.

11 (2) "Open-enrollment charter school" means a school
12 that has been granted a charter under Subchapter D, Chapter 12,
13 Education Code.

14 (3) "School district" means a public school district
15 created under the laws of this state.

16 (b) If a health care collaborative includes mental health
17 care services in the services covered by the health care
18 collaborative's health care plan, the health care collaborative may
19 not reject the initial application of a campus-based mental health
20 professional to contract with the health care collaborative to
21 provide mental health care services as part of the health care
22 collaborative's delivery network based on a determination that the
23 health care collaborative has contracted with sufficient qualified
24 mental health care providers in the applicant's geographic area.

25 (c) A campus-based mental health professional who applies
26 to a health care collaborative for inclusion in the health care
27 collaborative's delivery network is entitled to an expedited

1 decision on the application.

2 SECTION 4. Subchapter B, Chapter 1301, Insurance Code, is
3 amended by adding Section 1301.0516 to read as follows:

4 Sec. 1301.0516. CERTAIN CAMPUS-BASED MENTAL HEALTH
5 SERVICES. (a) In this section:

6 (1) "Campus-based mental health professional" means a
7 licensed clinical social worker, professional counselor,
8 psychological associate, or psychologist who provides mental
9 health care services primarily or exclusively at a campus of a
10 school district or an open-enrollment charter school.

11 (2) "Open-enrollment charter school" means a school
12 that has been granted a charter under Subchapter D, Chapter 12,
13 Education Code.

14 (3) "School district" means a public school district
15 created under the laws of this state.

16 (b) Notwithstanding any other law, this section applies to:

- 17 (1) a basic coverage plan under Chapter 1551;
18 (2) a basic plan under Chapter 1575;
19 (3) a primary care coverage plan under Chapter 1579;
20 and
21 (4) basic coverage under Chapter 1601.

22 (c) If an insurer offers a preferred provider benefit plan
23 that includes mental health care services in the services covered
24 by the plan, the insurer may not reject the initial application of a
25 campus-based mental health professional to contract for
26 designation as a preferred provider under the plan based on a
27 determination that the insurer has contracted with sufficient

1 qualified mental health care providers in the applicant's
2 geographic area.

3 (d) A campus-based mental health professional who applies
4 to an insurer for designation as a preferred provider is entitled to
5 an expedited decision on the application.

6 SECTION 5. (a) Section 843.3046, Insurance Code, as added
7 by this Act, applies only to an application to contract with a
8 health maintenance organization submitted on or after the effective
9 date of this Act. An application submitted before that date is
10 governed by the law as it existed immediately before the effective
11 date of this Act, and that law is continued in effect for that
12 purpose.

13 (b) Section 848.111, Insurance Code, as added by this Act,
14 applies only to an application to contract with a health care
15 collaborative submitted on or after the effective date of this Act.
16 An application submitted before that date is governed by the law as
17 it existed immediately before the effective date of this Act, and
18 that law is continued in effect for that purpose.

19 (c) Section 1301.0516, Insurance Code, as added by this Act,
20 applies only to an application to contract with an insurer
21 submitted on or after the effective date of this Act. An
22 application submitted before that date is governed by the law as it
23 existed immediately before the effective date of this Act, and that
24 law is continued in effect for that purpose.

25 SECTION 6. This Act takes effect September 1, 2017.