86R4686 JES-F

By:  Watson S.B. No. 344

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)  a plan providing basic coverage under Chapter 1601;

(5)  the 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 amended by adding Section 843.3046 to read as follows:

Sec. 843.3046.  CAMPUS-BASED MENTAL HEALTH PROFESSIONALS. (a) In this section:

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

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

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

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

(c)  A campus-based mental health professional who applies to a health maintenance organization to contract with the health maintenance organization to provide mental health care services on behalf of the health maintenance organization is entitled to an expedited decision on the application.

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

Sec. 848.111.  CAMPUS-BASED MENTAL HEALTH PROFESSIONALS. (a) In this section:

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

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

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

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

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

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

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

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

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

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

(b)  Notwithstanding any other law, this section 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; and

(4)  a plan providing basic coverage under Chapter 1601.

(c)  If an insurer offers a preferred provider benefit plan that includes mental health care services in the services covered by the plan, the insurer may not reject the initial application of a campus-based mental health professional to contract for designation as a preferred provider under the plan based on a determination that the insurer has contracted with sufficient qualified mental health care providers in the applicant's geographic area.

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

SECTION 5.  (a) Section 843.3046, Insurance Code, as added by this Act, applies only to an application to contract with a health maintenance organization submitted on or after the effective date of this Act.

(b)  Section 848.111, Insurance Code, as added by this Act, applies only to an application to contract with a health care collaborative submitted on or after the effective date of this Act.

(c)  Section 1301.0516, Insurance Code, as added by this Act, applies only to an application to contract with an insurer submitted on or after the effective date of this Act.

SECTION 6.  This Act takes effect September 1, 2019.