By:  Price, et al. (Senate Sponsor - Nelson) H.B. No. 2595

(In the Senate - Received from the House May 10, 2021; May 12, 2021, read first time and referred to Committee on Business & Commerce; May 20, 2021, reported favorably by the following vote: Yeas 9, Nays 0; May 20, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

A BILL TO BE ENTITLED

AN ACT

relating to a parity complaint portal and educational materials and parity law training regarding benefits for mental health conditions and substance use disorders to be made available through the portal and otherwise; designating October as mental health condition and substance use disorder parity awareness month.

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

SECTION 1.  Subchapter D, Chapter 662, Government Code, is amended by adding Section 662.115 to read as follows:

Sec. 662.115.  MENTAL HEALTH CONDITION AND SUBSTANCE USE DISORDER PARITY AWARENESS MONTH. (a) October is Mental Health Condition and Substance Use Disorder Parity Awareness Month to increase awareness of and compliance with state and federal rules, regulations, and statutes concerning the availability of, and terms and conditions of, benefits for mental health conditions and substance use disorders.

(b)  Mental Health Condition and Substance Use Disorder Parity Awareness Month may be regularly observed through appropriate activities in communities to increase awareness of and education on the available benefits for mental health conditions and substance use disorders.

SECTION 2.  Subchapter F, Chapter 1355, Insurance Code, is amended by adding Sections 1355.2571 and 1355.2572 to read as follows:

Sec. 1355.2571.  PARITY COMPLAINT PORTAL. (a) The commissioner shall develop and maintain a parity complaint portal that is an integrated system that allows for the enrollee of a health benefit plan to submit complaints of suspected violations of the provisions of this subchapter. The parity complaint portal must:

(1)  allow for an enrollee to submit a complaint through multiple ways;

(2)  provide updates on the status of an enrollee's complaint;

(3)  ensure timely, effective, and equitable resolution for submitted complaints;

(4)  include educational materials regarding:

(A)  benefits for mental health conditions and substance use disorders required under this subchapter;

(B)  an enrollee's rights and responsibilities under a health benefit plan concerning coverage under this subchapter;

(C)  circumstances under which a claim may be denied; and

(D)  the processes for reviewing a complaint submitted through the portal;

(5)  adhere to national best practices as determined by the commissioner; and

(6)  include the findings of the report required by Section 1355.2572(b).

(b)  In developing the parity complaint portal under Subsection (a), the commissioner:

(1)  shall conduct an assessment of complaint portals and similar systems used by other relevant public or private entities;

(2)  shall develop best practice standards for complaint submissions and tracking consistent with the findings of the assessment conducted under Subdivision (1); and

(3)  may develop a new complaint portal or modify an existing complaint portal.

(c)  The Health and Human Services Commission shall appoint a liaison to the department to receive reports of concerns, complaints, and potential violations submitted through the parity complaint portal established under Subsection (a).

Sec. 1355.2572.  EDUCATIONAL MATERIALS AND PARITY LAW TRAINING; REPORT. (a) The commissioner, in collaboration with the Health and Human Services Commission's ombudsman for behavioral health, shall develop educational materials and parity law training sessions regarding the coverage for mental health conditions and substance use disorders required under this subchapter. The commissioner shall ensure that the materials and training sessions:

(1)  are available to health benefit plan issuers and enrollees;

(2)  include online, print, and in-person formats;

(3)  are made available through the parity complaint portal established under Section 1355.2571 and at relevant locations and settings, including:

(A)  any relevant agency offices;

(B)  health benefit plan provider service locations; and

(C)  relevant professional conferences and trade association meetings; and

(4)  include a list of relevant third-party organization educational and parity law awareness materials that provide additional information regarding mental health conditions and substance use disorder parity and, if provided in an online format, provide the links needed to access those materials online.

(b)  Not later than September 1 of each year, the commissioner, in collaboration with the Health and Human Services Commission's ombudsman for behavioral health, shall:

(1)  prepare and submit a report to the appropriate committees of the legislature and the appropriate state agencies on the status of:

(A)  rights and responsibilities for mental health condition and substance use disorder benefits; and

(B)  resolved and unresolved complaints submitted through the parity complaint portal established under Section 1355.2571(a); and

(2)  publish the findings of the report under Subdivision (1) to the parity complaint portal established under Section 1355.2571(a).

SECTION 3.  As soon as practicable after the effective date of this Act, the commissioner of insurance shall develop:

(1)  the parity complaint portal required by Section 1355.2571, Insurance Code, as added by this Act; and

(2)  the educational materials and parity law training sessions required by Section 1355.2572, Insurance Code, as added by this Act.

SECTION 4.  This Act takes effect September 1, 2021.

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