

By: Menéndez

S.B. No. 91

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 :

(A) 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:

(i) [~~(A)~~] bipolar disorders (hypomanic, manic, depressive, and mixed);

(ii) [~~(B)~~] depression in childhood and adolescence;

(iii) [~~(C)~~] major depressive disorders (single episode or recurrent);

(iv) [~~(D)~~] obsessive-compulsive disorders;

(v) [~~(E)~~] paranoid and other psychotic disorders;

(vi) [~~(F)~~] schizo-affective disorders (bipolar or depressive); and

(vii) [~~(G)~~] schizophrenia; and

1                   (B) posttraumatic stress disorder.

2                   (5) "Posttraumatic stress disorder" means a disorder  
3 that:

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

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

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

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

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

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

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

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

26           SECTION 4. The change in law made by this Act applies only  
27 to a group health benefit plan that is delivered, issued for

1 delivery, or renewed on or after January 1, 2022. A group health  
2 benefit plan that is delivered, issued for delivery, or renewed  
3 before January 1, 2022, is governed by the law as it existed  
4 immediately before the effective date of this Act, and that law is  
5 continued in effect for that purpose.

6 SECTION 5. This Act takes effect September 1, 2021.