

MAINE STATE LEGISLATURE

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DATE: March 13, 1996

(Filing No. S-472)

BANKING AND INSURANCE

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 622, L.D. 1630, Bill, "An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists"

Amend the bill by striking out all of the emergency preamble.

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 24 MRSA §2325-A, sub-§5-C, ¶B, as amended by PL 1995, c. 332, Pt. G, §1 and repealed and replaced by c. 407, §1, is repealed and the following enacted in its place:

B. All policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 1996 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a nonprofit hospital or medical service organization, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary and appropriate. When making the determination of whether treatment is medically necessary and appropriate, the provider shall use the

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same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract.

(3) Notwithstanding section 2303, subsection 2; and Title 24-A, sections 2744 and 2835, in the treatment and diagnosis of mental illness under this subsection, payment or reimbursement under terms and conditions that are no less extensive than the benefits provided for medical treatment of physical illness is payable only to allopathic or osteopathic physicians, licensed psychologists who are trained and received a doctorate in psychology specializing in the evaluation and treatment of human behavior, accredited public hospitals or psychiatric hospitals or community agencies licensed at the comprehensive service level by the Department of Mental Health and Mental Retardation. Agency or institutional providers named in this paragraph shall ensure that services are supervised by a psychiatrist or a licensed psychologist. This paragraph does not limit payment or reimbursement otherwise payable under this section to a provider for mental health services rendered within the scope of the provider's license.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 24 MRSA §2325-A, sub-§5-D, ¶B, as enacted by PL 1995, c. 407, §2, is amended to read:

B. Every nonprofit hospital and medical services organization and nonprofit health care plan must make available coverage in all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 1996 that provides benefits meeting the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

(1) The offer of coverage must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a nonprofit hospital or medical service organization, a provider of medical treatment for mental illness shall furnish data substantiating

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that initial or continued treatment is medically necessary and appropriate. When making the determination of whether treatment is medically necessary and appropriate, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the individual or group contract.

(3) Notwithstanding section 2303, subsection 2; and Title 24-A, sections 2744 and 2835, in the treatment and diagnosis of mental illness under this subsection, payment or reimbursement under terms and conditions that are no less extensive than the benefits provided for medical treatment of physical illness is payable only to allopathic or osteopathic physicians, licensed psychologists who are trained and received a doctorate in psychology specializing in the evaluation and treatment of human behavior, accredited public hospitals or psychiatric hospitals or community agencies licensed at the comprehensive service level by the Department of Mental Health and Mental Retardation. Agency or institutional providers named in this paragraph shall ensure that services are supervised by a psychiatrist or a licensed psychologist. This paragraph does not limit payment or reimbursement otherwise payable under this section to a provider for mental health services rendered within the scope of the provider's license.'

Further amend the bill by inserting after section 3 the following:

'Sec. 4. 24-A MRSA §2749-C, sub-§1, ¶B, as enacted by PL 1995, c. 407, §5, is amended to read:

B. All individual policies and contracts executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 1996 must make available coverage providing benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

(1) The offer of coverage must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illnesses.

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2 (2) At the request of a reimbursing insurer, a
3 provider of medical treatment for mental illness shall
4 furnish data substantiating that initial or continued
5 treatment is medically necessary and appropriate. When
6 making the determination of whether treatment is
7 medically necessary and appropriate, the provider shall
8 use the same criteria for medical treatment for mental
9 illness as for medical treatment for physical illness
10 under the individual policy.

11 (3) Notwithstanding Title 24, section 2303, subsection
12 2; and sections 2744 and 2835, in the treatment and
13 diagnosis of mental illness under this subsection,
14 payment or reimbursement under terms and conditions
15 that are no less extensive than the benefits provided
16 for medical treatment of physical illness is payable
17 only to allopathic or osteopathic physicians, licensed
18 psychologists who are trained and received a doctorate
19 in psychology specializing in the evaluation and
20 treatment of human behavior, accredited public
21 hospitals or psychiatric hospitals or community
22 agencies licensed at the comprehensive service level by
23 the Department of Mental Health and Mental
24 Retardation. Agency or institutional providers named
25 in this paragraph shall ensure that services are
26 supervised by a psychiatrist or a licensed
27 psychologist. This paragraph does not limit payment or
28 reimbursement otherwise payable under this section to a
29 provider for mental health services rendered within the
30 scope of the provider's license.'

31 Further amend the bill by inserting after section 4 the
32 following:

33 'Sec. 5. 24-A MRSA §2843, sub-§5-C, ¶B, as amended by PL 1995,
34 c. 332, Pt. G, §2 and repealed and replaced by c. 407, §6, is
35 repealed and the following enacted in its place:

36 B. All policies, contracts and certificates executed,
37 delivered, issued for delivery, continued or renewed in this
38 State on or after July 1, 1996 must provide benefits that
39 meet the requirements of this paragraph. For purposes of
40 this paragraph, all contracts are deemed renewed no later
41 than the next yearly anniversary of the contract date.

42 (1) The contracts must provide benefits for the
43 treatment and diagnosis of mental illnesses under terms
44 and conditions that are no less extensive than the
45 benefits provided for medical treatment for physical
46 illnesses.

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2 (2) At the request of a nonprofit hospital or medical
4 service organization, a provider of medical treatment
6 for mental illness shall furnish data substantiating
8 that initial or continued treatment is medically
10 necessary and appropriate. When making the
12 determination of whether treatment is medically
14 necessary and appropriate, the provider shall use the
16 same criteria for medical treatment for mental illness
18 as for medical treatment for physical illness under the
20 group contract.

22 (3) Notwithstanding Title 24, section 2303, subsection
24 2; and sections 2744 and 2835, in the treatment and
26 diagnosis of mental illness under this subsection,
28 payment or reimbursement under terms and conditions
30 that are no less extensive than the benefits provided
32 for medical treatment of physical illness is payable
34 only to allopathic or osteopathic physicians, licensed
36 psychologists who are trained and received a doctorate
38 in psychology specializing in the evaluation and
40 treatment of human behavior, accredited public
42 hospitals or psychiatric hospitals or community
44 agencies licensed at the comprehensive service level by
46 the Department of Mental Health and Mental
48 Retardation. Agency or institutional providers named
50 in this paragraph shall ensure that services are
 supervised by a psychiatrist or a licensed
 psychologist. This paragraph does not limit payment or
 reimbursement otherwise payable under this section to a
 provider for mental health services rendered within the
 scope of the provider's license.'

34 Further amend the bill by inserting after section 5 the
36 following:

38 'Sec. 6. 24-A MRSA §2843, sub-§5-D, ¶B, as enacted by PL 1995,
40 c. 407, §7, is amended to read:

42 B. All group policies, contracts and certificates executed,
44 delivered, issued for delivery, continued or renewed in this
46 State on or after July 1, 1996 must make available coverage
 providing benefits that meet the requirements of this
 paragraph. For purposes of this paragraph, all contracts
 are deemed renewed no later than the next yearly anniversary
 of the contract date.

48 (1) The offer of coverage must provide benefits for
50 the treatment and diagnosis of mental illnesses under
 terms and conditions that are no less extensive than

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the benefits provided for medical treatment for physical illnesses.

(2) At the request of a reimbursing insurer, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary and appropriate. When making the determination of whether treatment is medically necessary and appropriate, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract.

(3) Notwithstanding Title 24, section 2303, subsection 2; and sections 2744 and 2835, in the treatment and diagnosis of mental illness under this subsection, payment or reimbursement under terms and conditions that are no less extensive than the benefits provided for medical treatment of physical illness is payable only to allopathic or osteopathic physicians, licensed psychologists who are trained and received a doctorate in psychology specializing in the evaluation and treatment of human behavior, accredited public hospitals or psychiatric hospitals or community agencies licensed at the comprehensive service level by the Department of Mental Health and Mental Retardation. Agency or institutional providers named in this paragraph shall ensure that services are supervised by a psychiatrist or a licensed psychologist. This paragraph does not limit payment or reimbursement otherwise payable under this section to a provider for mental health services rendered within the scope of the provider's license.'

Further amend the bill by inserting after section 6 the following:

'Sec. 7. 24-A MRSA §4234-A, sub-§6, ¶B, as enacted by PL 1995, c. 407, §10, is amended to read:

B. All policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 1996 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are no less extensive than the

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2 benefits provided for medical treatment for physical illnesses.

4 (2) At the request of a reimbursing health maintenance
6 organization, a provider of medical treatment for
8 mental illness shall furnish data substantiating that
10 initial or continued treatment is medically necessary
12 and appropriate. When making the determination of
whether treatment is medically necessary and
appropriate, the provider shall use the same criteria
for medical treatment for mental illness as for medical
treatment for physical illness under the group contract.

14 (3) Notwithstanding Title 24, section 2303, subsection
16 2; and sections 2744 and 2835, in the treatment and
18 diagnosis of mental illness under this subsection,
20 payment or reimbursement under terms and conditions
22 that are no less extensive than the benefits provided
24 for medical treatment of physical illness is payable
26 only to allopathic or osteopathic physicians, licensed
28 psychologists who are trained and received a doctorate
30 in psychology specializing in the evaluation and
32 treatment of human behavior, accredited public
34 hospitals or psychiatric hospitals or community
agencies licensed at the comprehensive service level by
the Department of Mental Health and Mental
Retardation. Agency or institutional providers named
in this paragraph shall ensure that services are
supervised by a psychiatrist or a licensed
psychologist. This paragraph does not limit payment or
reimbursement otherwise payable under this section to a
provider for mental health services rendered within the
scope of the provider's license.'

36 Further amend the bill by inserting after section 7 the following:

38 'Sec. 8. 24-A MRSA §4234-A, sub-§7, ¶B, as enacted by PL 1995,
40 c. 407, §10, is amended to read:

42 B. All individual and group policies, contracts and
44 certificates executed, delivered, issued for delivery,
46 continued or renewed in this State on or after July 1, 1996
must make available coverage providing benefits that meet
the requirements of this paragraph. For purposes of this
paragraph, all contracts are deemed renewed no later than
the next yearly anniversary of the contract date.

48 (1) The offer of coverage must provide benefits for
50 the treatment and diagnosis of mental illnesses under

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terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a reimbursing health maintenance organization, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary and appropriate. When making the determination of whether treatment is medically necessary and appropriate, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the individual or group contract.

(3) Notwithstanding Title 24, section 2303, subsection 2; and sections 2744 and 2835, in the treatment and diagnosis of mental illness under this subsection, payment or reimbursement under terms and conditions that are no less extensive than the benefits provided for medical treatment of physical illness is payable only to allopathic or osteopathic physicians, licensed psychologists who are trained and received a doctorate in psychology specializing in the evaluation and treatment of human behavior, accredited public hospitals or psychiatric hospitals or community agencies licensed at the comprehensive service level by the Department of Mental Health and Mental Retardation. Agency or institutional providers named in this paragraph shall ensure that services are supervised by a psychiatrist or a licensed psychologist. This paragraph does not limit payment or reimbursement otherwise payable under this section to a provider for mental health services rendered within the scope of the provider's license.'

Further amend the bill by striking out the emergency clause.

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

'FISCAL NOTE

The Bureau of Insurance within the Department of Professional and Financial Regulation will incur some minor

2 additional costs to administer certain regulatory requirements
3 pertaining to insurance coverage for biologically based mental
4 illness. These costs can be absorbed within the bureau's
5 existing budgeted resources.'

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STATEMENT OF FACT

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9 This amendment requires that licensed physicians, licensed
10 psychologists, accredited public or psychiatric hospitals or
11 community agencies licensed at the comprehensive service level be
12 reimbursed for the treatment and diagnosis of biologically based
13 mental illnesses under the same terms and conditions provided for
14 medical treatment of physical illnesses.

15 This amendment also adds a fiscal note to the bill and
16 removes the emergency preamble and the emergency clause from the
17 bill.
18