

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1778

H.P. 1249

House of Representatives, March 9, 1999

An Act to Make Corrections in the Mental Health Insurance Laws.

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Portland.

Cosponsored by Representatives: BROOKS of Winterport, DUDLEY of Portland, MAYO of Bath, NORBERT of Portland, O'NEIL of Saco, QUINT of Portland, RICHARDSON of Brunswick, Senator: PINGREE of Knox.

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 24 MRSA §2325-A, sub-§5-A, as amended by PL 1989, c. 490, §1, is further amended to read:

5-A. **Exceptions.** This section shall does not apply to ~~employee-group insurance contracts issued to employers with 20 or fewer employees insured under the group contract or to~~ group contracts designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as defined in the United States Code, Title 10, Section 1072, subsection 4.

Sec. A-2. 24 MRSA §2325-A, sub-§5-C, as amended by PL 1995, c. 625, Pt. B, §6 and affected by §7 and amended by c. 637, §1, is further amended to read:

5-C. **Coverage for treatment for certain mental illnesses.** Coverage for medical treatment for mental illnesses listed in paragraph A is subject to this subsection.

A. All group contracts must provide, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental illnesses diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of human behavior:

- (1) Schizophrenia;
- (2) Bipolar disorder;
- (3) Pervasive developmental disorder, or autism;
- (4) Paranoia;
- (5) Panic disorder;
- (6) Obsessive-compulsive disorder; ~~or~~
- (7) Major depressive disorder; ~~;~~
- (8) Anorexia; or
- (9) Bulimia.

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

2 this paragraph, all contracts are deemed renewed no later
than the next yearly anniversary of the contract date.

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

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

20 ~~This subsection does not apply to policies, contracts and
22 certificates covering employees of employers with 20 or fewer
employees, whether the group policy is issued to the employer, to
24 an association, to a multiple employer trust or to another entity.~~

26 This subsection may not be construed to allow coverage and
benefits for the treatment of alcoholism or other drug
28 dependencies through the diagnosis of a mental illness listed in
paragraph A.

30 **Sec. A-3. 24 MRSA §2325-A, sub-§5-D, ¶A,** as amended by PL
32 1995, c. 637, §2, is further amended to read:

34 A. All individual and group contracts must make available
coverage providing, at a minimum, benefits according to
36 paragraph B, subparagraph (1) for a person receiving medical
treatment for any of the following mental illnesses
38 diagnosed by a licensed allopathic or osteopathic physician
or a licensed psychologist who is trained and has received a
40 doctorate in psychology specializing in the evaluation and
treatment of human behavior:

- 42 (1) Schizophrenia;
44 (2) Bipolar disorder;
46 (3) Pervasive developmental disorder, or autism;
48 (4) Paranoia;
50 (5) Panic disorder;
52

(6) Obsessive-compulsive disorder; or

(7) Major depressive disorder; or

(8) Anorexia; or

(9) Bulimia.

Sec. A-4. 24-A MRSA §2749-C, sub-§1, ¶A, as amended by PL 1995, c. 637, §3, is further amended to read:

A. All individual policies must make available coverage providing, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental illnesses diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of human behavior:

(1) Schizophrenia;

(2) Bipolar disorder;

(3) Pervasive developmental disorder, or autism;

(4) Paranoia;

(5) Panic disorder;

(6) Obsessive-compulsive disorder; or

(7) Major depressive disorder; or

(8) Anorexia; or

(9) Bulimia.

Sec. A-5. 24-A MRSA §2843, sub-§5-A, as amended by PL 1989, c. 490, §4, is further amended to read:

5-A. Exceptions. This section shall does not apply to ~~employee group insurance policies issued to employers with 20 or fewer employees insured under the group policy or to~~ group policies designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as described in the United States Code, Title 10, Section 1072, subsection 4.

Sec. A-6. 24-A MRSA §2843, sub-§5-C, as amended by PL 1995, c. 625, Pt. B, §8 and affected by §9 and amended by c. 637, §4, is further amended to read:

5-C. Coverage for treatment for certain mental illnesses.

Coverage for medical treatment for mental illnesses listed in paragraph A is subject to this subsection.

A. All group contracts must provide, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental illnesses diagnosed by a licensed allopathic or osteopathic physician or a licensed psychologist who is trained and has received a doctorate in psychology specializing in the evaluation and treatment of human behavior:

- (1) Schizophrenia;
- (2) Bipolar disorder;
- (3) Pervasive developmental disorder, or autism;
- (4) Paranoia;
- (5) Panic disorder;
- (6) Obsessive-compulsive disorder; or
- (7) Major depressive disorder;
- (8) Anorexia; or
- (9) Bulimia.

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 same criteria for medical treatment for mental illness

2 as for medical treatment for physical illness under the
group contract.

4 ~~This subsection does not apply to policies, contracts and~~
5 ~~certificates covering employees of employers with 20 or fewer~~
6 ~~employees, whether the group policy is issued to the employer, to~~
7 ~~an association, to a multiple employer trust or to another entity.~~

8 This subsection may not be construed to allow coverage and
10 benefits for the treatment of alcoholism or other drug
11 dependencies through the diagnosis of a mental illness listed in
12 paragraph A.

14 **Sec. A-7. 24-A MRSA §2843, sub-§5-D, ¶A,** as amended by PL
15 1995, c. 637, §5, is further amended to read:

16 A. All group contracts must make available coverage
17 providing, at a minimum, benefits according to paragraph B,
18 subparagraph (1) for a person receiving medical treatment
19 for any of the following mental illnesses diagnosed by a
20 licensed allopathic or osteopathic physician or a licensed
21 psychologist who is trained and has received a doctorate in
22 psychology specializing in the evaluation and treatment of
23 human behavior:

- 24
- 26 (1) Schizophrenia;
 - 28 (2) Bipolar disorder;
 - 30 (3) Pervasive developmental disorder, or autism;
 - 32 (4) Paranoia;
 - 34 (5) Panic disorder;
 - 36 (6) Obsessive-compulsive disorder; or
 - 38 (7) Major depressive disorder;
 - 40 (8) Anorexia; or
 - 42 (9) Bulimia.

44 **Sec. A-8. 24-A MRSA §4234-A, sub-§6,** as amended by PL 1995, c.
45 637, §6, is further amended to read:

46 **6. Coverage for treatment of certain mental illnesses.**
47 Coverage for medical treatment for mental illnesses listed in
48 paragraph A is subject to this subsection.

49 A. All group contracts must provide, at a minimum, benefits
50 according to paragraph B, subparagraph (1) for a person

2 receiving medical treatment for any of the following mental
illnesses diagnosed by a licensed allopathic or osteopathic
4 physician or a licensed psychologist who is trained and has
received a doctorate in psychology specializing in the
evaluation and treatment of human behavior:

- 6 (1) Schizophrenia;
- 8 (2) Bipolar disorder;
- 10 (3) Pervasive developmental disorder, or autism;
- 12 (4) Paranoia;
- 14 (5) Panic disorder;
- 16 (6) Obsessive-compulsive disorder; or
- 18 (7) Major depressive disorder;
- 20 (8) Anorexia; or
- 22 (9) Bulimia.

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

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

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

48 ~~This subsection does not apply to policies, contracts or~~
certificates covering employees of employers with 20 or fewer
50 employees, whether the group policy is issued to the employer, to
an association, to a multiple employer trust or to another entity.

2 This subsection may not be construed to allow coverage and
benefits for the treatment of alcoholism and other drug
dependencies through the diagnosis of a mental illness listed in
4 paragraph A.

6 **Sec. A-9. 24-A MRSA §4234-A, sub-§7, ¶A,** as amended by PL
1995, c. 637, §7, is further amended to read:

8
A. All individual and group contracts must make available
10 coverage providing, at a minimum, benefits according to
paragraph B, subparagraph (1) for a person receiving medical
12 treatment for any of the following mental illnesses
diagnosed by a licensed allopathic or osteopathic physician
14 or a licensed psychologist who is trained and has received a
doctorate in psychology specializing in the evaluation and
16 treatment of human behavior:

- 18 (1) Schizophrenia;
- 20 (2) Bipolar disorder;
- 22 (3) Pervasive developmental disorder, or autism;
- 24 (4) Paranoia;
- 26 (5) Panic disorder;
- 28 (6) Obsessive-compulsive disorder; ~~or~~
- 30 (7) Major depressive disorder; ~~and~~
- 32 (8) Anorexia; or
- 34 (9) Bulimia.

36
PART B

38 **Sec. B-1. 24 MRSA §2332-J** is enacted to read:

40 **§2332-J. Coverage for children's mental health disorders**

42 All individual and group nonprofit hospital and medical
44 services plan policies and contracts and all nonprofit health
46 care plan policies and contracts must provide coverage for the
48 treatment of children's mental health disorders. The policies
and contracts must provide benefits for the treatment and
50 diagnosis of children's mental health disorders under terms and
conditions that are no less extensive than the benefits provided
for medical treatment for physical illnesses.

52 **Sec. B-2. 24-A MRSA §2756** is enacted to read:

2 requirements and adds anorexia and bulimia to the lists of
3 biological mental illnesses to which the coverage or offer of
4 coverage provisions apply. Part B of the bill requires health
5 insurance policies and contracts to provide coverage for
6 children's mental health disorders under terms and conditions no
less extensive than benefits provided for medical treatment for
physical illnesses.