
By: Senator Dorman

Introduced and read first time: January 29, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Benefits for Mental Illness - Referral for Consultation or Specialty**
3 **Services**

4 FOR the purpose of prohibiting certain health insurance benefits for the diagnosis and
5 treatment of certain mental illnesses from being subject, for purposes of a covered
6 individual getting a referral for consultation or specialty services, to a requirement
7 that the individual see or obtain the approval of a health care provider other than
8 the individual's primary care provider under certain circumstances; and generally
9 relating to referrals for consultation or specialty services for mental illness in health
10 insurance.

11 BY repealing and reenacting, without amendments,

12 Article - Insurance

13 Section 15-802(b), (c), and (e)(1)

14 Annotated Code of Maryland

15 (1995 Volume and 1996 Supplement)

16 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of 1997)

17 BY repealing and reenacting, with amendments,

18 Article - Insurance

19 Section 15-802(e)(2)

20 Annotated Code of Maryland

21 (1995 Volume and 1996 Supplement)

22 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of 1997)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Insurance**

26 15-802.

27 (b) This section applies to each health insurance policy or contract that is
28 delivered or issued for delivery in the State to an employer or individual on a group or
29 individual basis and that provides coverage on an expense-incurred basis.

1 (c) A policy or contract subject to this section may not discriminate against an
2 individual with a mental illness, emotional disorder, drug abuse disorder, or alcohol abuse
3 disorder by failing to provide benefits for the diagnosis and treatment of these illnesses
4 under the same terms and conditions that apply under the policy or contract for the
5 diagnosis and treatment of physical illnesses.

6 (e) (1) The benefits under this section are required only for expenses arising
7 from the treatment of mental illnesses, emotional disorders, drug abuse, or alcohol abuse
8 if, in the professional judgment of health care providers:

9 (i) the mental illness, emotional disorder, drug abuse, or alcohol
10 abuse is treatable; and

11 (ii) the treatment is medically necessary.

12 (2) The benefits required under this section:

13 (i) shall be provided as one set of benefits covering mental illnesses,
14 emotional disorders, drug abuse, and alcohol abuse;

15 (ii) shall have the same terms and conditions as the benefits for
16 physical illnesses covered under the policy or contract subject to this section, except as
17 specifically provided in this section; [and]

18 (III) MAY NOT BE SUBJECT, FOR PURPOSES OF A COVERED
19 INDIVIDUAL GETTING A REFERRAL FOR CONSULTATION OR SPECIALTY SERVICES,
20 TO A REQUIREMENT THAT THE INDIVIDUAL SEE OR OBTAIN THE APPROVAL OF A
21 HEALTH CARE PROVIDER OTHER THAN THE INDIVIDUAL'S PRIMARY CARE
22 PROVIDER, UNLESS BENEFITS FOR PHYSICAL ILLNESSES COVERED UNDER THE
23 POLICY OR CONTRACT SUBJECT TO THIS SECTION ARE SUBJECT TO THE SAME
24 REQUIREMENT; AND

25 [(iii)] (IV) may be delivered under a managed care system.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1997.