
By: ~~Delegate Hammen~~ Delegates Hammen, Benson, Boteler, Boutin,
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Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Health Insurance - Coverage for Psychological and Neuropsychological**
3 **Testing**

4 FOR the purpose of providing that health insurance coverage, including coverage
5 provided by a health maintenance organization, is not discriminatory if, with
6 respect to outpatient coverage for services provided to treat mental illnesses,
7 emotional disorders, drug abuse, or alcohol abuse, benefits include psychological
8 and neuropsychological testing for diagnostic purposes; providing for the
9 application of this Act; and generally relating to health insurance coverage for
10 psychological and neuropsychological testing for diagnostic purposes.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 19-703.1(b)
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Insurance
18 Section 15-802(c)
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,

1 Article - Insurance
2 Section 15-802(d)
3 Annotated Code of Maryland
4 (2002 Replacement Volume and 2004 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Health - General**

8 19-703.1.

9 (b) (1) Subject to the provisions of this section, each contract or certificate
10 issued to a member or subscriber by a health maintenance organization that provides
11 health benefits and services for diseases may not discriminate against any person
12 with a mental illness, emotional disorder or a drug abuse or alcohol abuse disorder by
13 failing to provide benefits for treatment and diagnosis of these illnesses under the
14 same terms and conditions as provided for covered benefits offered under the contract
15 or certificate for the treatment of physical illness.

16 (2) It shall not be considered to be discriminatory under paragraph (1) of
17 this subsection if at least the following benefits are provided:

18 (i) With respect to inpatient benefits provided in a licensed or
19 certified facility, which shall include hospital inpatient benefits, the total number of
20 days for which benefits are payable shall be:

21 1. Except as provided in subsection (d) of this section, from
22 July 1, 1994 through June 30, 1995, at least 60 days in any calendar year or benefit
23 period of not more than 12 months under the same terms and conditions that apply to
24 benefits available under the contract or certificate for physical illness; and

25 2. On or after July 1, 1995, at least equal to the same terms
26 and conditions that apply to the benefits available under the contract or certificate for
27 physical illness;

28 (ii) Subject to subsection (f) of this section, with respect to benefits
29 for partial hospitalization, at least 60 days of partial hospitalization shall be covered
30 under the same terms and conditions that apply to the benefit available under the
31 contract or certificate for physical illness; and

32 (iii) With respect to outpatient coverage, other than for inpatient or
33 partial hospitalization services, benefits for covered expenses arising from services,
34 INCLUDING PSYCHOLOGICAL AND NEUROPSYCHOLOGICAL TESTING FOR
35 DIAGNOSTIC PURPOSES, which are rendered to treat mental illness, emotional
36 disorders, drug abuse and alcohol abuse shall be at a rate which is, after the
37 applicable deductible, not less than:

1 1. 80 percent for the first 5 visits in any calendar year or
2 benefit period of not more than 12 months;

3 2. 65 percent for the 6th through 30th visit in any calendar
4 year or benefit period of not more than 12 months; and

5 3. 50 percent for the 31st visit and any visit after the 31st
6 visit in any calendar year or benefit period of not more than 12 months.

7 **Article - Insurance**

8 15-802.

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

14 (d) It is not discriminatory under subsection (c) of this section if at least the
15 following benefits are provided:

16 (1) with respect to inpatient benefits for services provided in a licensed
17 or certified facility, including hospital inpatient benefits, the total number of days for
18 which benefits are payable and the terms and conditions that apply to those benefits
19 are at least equal to those that apply to the benefits available under the policy or
20 contract for physical illnesses;

21 (2) subject to subsection (g) of this section, with respect to benefits for
22 partial hospitalization, at least 60 days of partial hospitalization are covered under
23 the same terms and conditions that apply to the benefits available under the policy or
24 contract for physical illnesses; and

25 (3) with respect to outpatient coverage, other than for inpatient or
26 partial hospitalization services, benefits for covered expenses arising from services,
27 **INCLUDING PSYCHOLOGICAL AND NEUROPSYCHOLOGICAL TESTING FOR**
28 **DIAGNOSTIC PURPOSES**, provided to treat mental illnesses, emotional disorders, drug
29 abuse, or alcohol abuse are at a rate that, after the applicable deductible, is not less
30 than:

31 (i) 80% for the first five visits in a calendar year or benefit period
32 of not more than 12 months;

33 (ii) 65% for the 6th through 30th visit in a calendar year or benefit
34 period of not more than 12 months; and

35 (iii) 50% for the 31st visit and any subsequent visit in a calendar
36 year or benefit period of not more than 12 months.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
2 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
3 on or after October 1, 2005.

4 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 2005.