A BILL FOR AN ACT

CONCERNING HEALTH INSURANCE COVERAGE FOR AN ANNUAL MENTAL HEALTH WELLNESS EXAMINATION PERFORMED BY A QUALIFIED MENTAL HEALTH CARE PROVIDER, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill adds a requirement, as part of mandatory health insurance coverage of preventive health care services, that health plans cover an annual mental health wellness examination of up to 60 minutes that is
performed by a qualified mental health care provider. The coverage must:
  !     Be comparable to the coverage of a physical examination;
  !     Comply with the requirements of federal mental health parity laws; and
  !     Not require any deductibles, copayments, or coinsurance for the mental health wellness examination.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and determines that:

(a) Prevention and early identification of mental health issues can lead to better outcomes for families and all people throughout their lives;

(b) Mental health conditions that occur in youth before the age of six can interfere with emotional, cognitive, and physical development;

(c) The number of aging adults who have a mental health condition is expected to double to fifteen million in the next two decades, leading to increased health care use and higher health care costs;

(d) With an increase in suicide and the number of overdose deaths on the rise, it is imperative for Colorado to increase access to preventive annual mental health wellness examinations;

(e) Annual mental health wellness examinations help identify potential mental health issues early on and allow individuals to be offered services and supports to address their needs before an issue progresses or becomes a crisis;

(f) Primary care providers are important in early detection of mental health issues but often lack the ability to provide adequate education, consultation, and treatment options to clients in need of further mental health support; and

(g) Therefore, it is imperative that our system works to integrate
and collocate mental health services in primary care settings and opens access to annual mental health wellness exams for all Coloradans, starting at the prenatal phase through the end of life.

SECTION 2. In Colorado Revised Statutes, 10-16-104, amend (18)(a)(I) introductory portion; and add (18)(b.7), (18)(c)(III.7), and (18)(c)(III.9) as follows:

10-16-104. Mandatory coverage provisions - definitions - rules. (18) Preventive health care services. (a) (I) The following policies and contracts that are delivered, issued or renewed or reinstated on or after January 1, 2010, IN THIS STATE must provide coverage for the total cost of the preventive health care services specified in paragraph (b) of this subsection (18) SUBSECTIONS (18)(b) AND (18)(b.7) OF THIS SECTION:

(b.7) THE COVERAGE REQUIRED BY THIS SUBSECTION (18) MUST INCLUDE AN ANNUAL MENTAL HEALTH WELLNESS EXAMINATION OF UP TO SIXTY MINUTES THAT IS PERFORMED BY A QUALIFIED MENTAL HEALTH CARE PROVIDER. THE COVERAGE FOR AN ANNUAL MENTAL HEALTH WELLNESS EXAMINATION MUST BE NO LESS EXTENSIVE THAN THE COVERAGE PROVIDED FOR A PHYSICAL EXAMINATION AND MUST COMPLY WITH THE REQUIREMENTS OF THE MHPAEA.

(c) For purposes of this subsection (18):

(III.7) "MENTAL HEALTH WELLNESS EXAMINATION" MEANS AN EXAMINATION THAT INCLUDES SERVICES SUCH AS A BEHAVIORAL HEALTH SCREENING; EDUCATION AND CONSULTATION ON HEALTHY LIFESTYLE CHANGES; REFERRALS TO ONGOING TREATMENT, MENTAL HEALTH SERVICES, AND OTHER SUPPORTS; AND DISCUSSION OF POTENTIAL OPTIONS FOR MEDICATION.
(III.9) "QUALIFIED MENTAL HEALTH CARE PROVIDER" MEANS:

(A) A PHYSICIAN LICENSED TO PRACTICE MEDICINE PURSUANT TO
ARTICLE 240 OF TITLE 12 WHO HAS SPECIFIC BOARD CERTIFICATION OR
TRAINING IN PSYCHIATRY OR OTHER MENTAL OR BEHAVIORAL HEALTH
CARE AREAS;

(B) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240
OF TITLE 12 WHO HAS TRAINING IN PSYCHIATRY OR MENTAL HEALTH;

(C) A PSYCHOLOGIST LICENSED PURSUANT TO PART 3 OF ARTICLE
245 OF TITLE 12;

(D) A CLINICAL SOCIAL WORKER LICENSED PURSUANT TO PART 4
OF ARTICLE 245 OF TITLE 12;

(E) A MARRIAGE AND FAMILY THERAPIST LICENSED PURSUANT TO
PART 5 OF ARTICLE 245 OF TITLE 12;

(F) A PROFESSIONAL COUNSELOR LICENSED PURSUANT TO PART 6
OF ARTICLE 245 OF TITLE 12;

(G) AN ADDICTION COUNSELOR LICENSED PURSUANT TO PART
8 OF ARTICLE 245 OF TITLE 12; OR

(H) AN ADVANCED PRACTICE NURSE, AS DEFINED IN SECTION
12-255-104 (1), WITH SPECIFIC TRAINING IN PSYCHIATRIC NURSING.

SECTION 3. Appropriation. For the 2020-21 state fiscal year, $13,347 is appropriated to the department of regulatory agencies for use by the division of insurance. This appropriation is from the division of insurance cash fund created in section 10-1-103 (3), C.R.S., and is based on an assumption that the division will require an additional 0.2 FTE. To implement this act, the division may use this appropriation for personal services.

SECTION 4. Act subject to petition - effective date -
applicability. (1) This act takes effect at 12:01 a.m. on the day following
the expiration of the ninety-day period after final adjournment of the
general assembly (August 5, 2020, if adjournment sine die is on May 6,
2020); except that, if a referendum petition is filed pursuant to section 1
(3) of article V of the state constitution against this act or an item, section,
or part of this act within such period, then the act, item, section, or part
will not take effect unless approved by the people at the general election
to be held in November 2020 and, in such case, will take effect on the
date of the official declaration of the vote thereon by the governor.

   (2) This act applies to policies and contracts issued or renewed on
or after January 1, 2022.