

REFERENCE TITLE: mental health coverage; collaborative care

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1018

Introduced by
Senators Shope: Shamp

AN ACT

AMENDING SECTION 20-2322, ARIZONA REVISED STATUTES; RELATING TO
ACCOUNTABLE HEALTH PLANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-2322, Arizona Revised Statutes, is amended to
3 read:

4 20-2322. Mental health services and benefits; definitions

5 A. ~~Beginning on January 1, 1998,~~ Any health benefits plan that is
6 offered by an accountable health plan and that provides services or health
7 benefits that include mental health services or mental health benefits
8 shall comply with this section.

9 B. If the health benefits plan does not include an aggregate
10 lifetime limit on substantially all health services or health benefits
11 that are not related to mental health services or mental health benefits,
12 the health benefits plan shall not impose any aggregate lifetime limit on
13 mental health services or mental health benefits. If the health benefits
14 plan includes an aggregate lifetime limit on substantially all health
15 services or health benefits that are not related to mental health services
16 or mental health benefits, the health benefits plan shall either:

17 1. Apply the applicable lifetime limit to both the health services
18 or health benefits that are not related to mental health services or
19 mental health benefits and to the mental health services or mental health
20 benefits.

21 2. Not include an aggregate lifetime limit on mental health
22 services or mental health benefits that is less than the applicable
23 lifetime limit for health services or health benefits that are not related
24 to mental health services or mental health benefits.

25 C. If the health benefits plan does not include an aggregate annual
26 limit on substantially all health services or health benefits that are not
27 related to mental health services or mental health benefits, the health
28 benefits plan shall not impose any aggregate annual limit on mental health
29 services or mental health benefits. If the health benefits plan includes
30 an aggregate annual limit on substantially all health services or health
31 benefits that are not related to mental health services or mental health
32 benefits, the health benefits plan shall either:

33 1. Apply the applicable annual limit to both the health services or
34 health benefits that are not related to mental health services or mental
35 health benefits and to the mental health services or mental health
36 benefits.

37 2. Not include any aggregate annual limit on mental health services
38 or mental health benefits that is less than the applicable annual limit
39 for health services or health benefits that are not related to mental
40 health services or mental health benefits.

41 D. ~~Except as provided in subsections A, B and C, this section does~~
42 ~~not prevent an accountable health plan that offers a health benefits plan~~
43 ~~that provides mental health services or mental health benefits from~~
44 ~~imposing terms and conditions, including cost sharing, limits on the~~
45 ~~number of visits or days of coverage or requirements relating to medical~~

1 ~~necessity in relation to the amount, duration or scope of coverage for~~
2 ~~mental health services or mental health benefits under the health benefits~~
3 ~~plan. Nothing in~~ This section ~~requires~~ DOES NOT REQUIRE an accountable
4 health plan to:

5 1. Offer a health benefits plan that provides mental health
6 services or mental health benefits.

7 ~~2. Comply with this section in connection with any health benefits~~
8 ~~plan offered to a small employer.~~

9 ~~3.~~ 2. Comply with this section if that compliance under the health
10 benefits plan offered by the accountable health plan would result in an
11 increase in the cost to the health benefits plan of at least one ~~per cent~~
12 PERCENT.

13 E. The requirements of this section apply separately to each health
14 benefits plan offered by an accountable health plan and shall be
15 consistent with title VII of the health insurance portability and
16 accountability act of 1996 (P.L. 104-204; 110 Stat. 2944) and 45 Code of
17 Federal Regulations part 146.

18 F. AN ENTITY THAT OFFERS, ISSUES OR OTHERWISE PROVIDES AN
19 INDIVIDUAL OR GROUP HEALTH BENEFITS PLAN THAT PROVIDES MENTAL HEALTH
20 SERVICES OR MENTAL HEALTH BENEFITS SHALL PROVIDE REIMBURSEMENT FOR THE
21 SERVICES OR BENEFITS THAT ARE DELIVERED THROUGH THE PSYCHIATRIC
22 COLLABORATIVE CARE MODEL, WHICH SHALL INCLUDE THE FOLLOWING CURRENT
23 PROCEDURAL TERMINOLOGY BILLING CODES ESTABLISHED BY THE AMERICAN MEDICAL
24 ASSOCIATION AS OF THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION:

- 25 1. 99492.
- 26 2. 99493.
- 27 3. 99494.

28 G. THE DIRECTOR SHALL ADOPT RULES TO UPDATE THE CURRENT PROCEDURAL
29 TERMINOLOGY BILLING CODES LISTED IN SUBSECTION F OF THIS SECTION IF THERE
30 ARE ANY ALTERATIONS OR ADDITIONS TO THE BILLING CODES FOR THE PSYCHIATRIC
31 COLLABORATIVE CARE MODEL.

32 H. AN ENTITY THAT OFFERS, ISSUES OR OTHERWISE PROVIDES AN
33 INDIVIDUAL OR GROUP HEALTH BENEFITS PLAN THAT PROVIDES MENTAL HEALTH
34 SERVICES OR MENTAL HEALTH BENEFITS MAY DENY REIMBURSEMENT OF ANY CURRENT
35 PROCEDURAL TERMINOLOGY BILLING CODE LISTED IN SUBSECTION F OF THIS SECTION
36 ON THE GROUNDS OF MEDICAL NECESSITY IF THE MEDICAL NECESSITY
37 DETERMINATION:

38 1. COMPLIES WITH THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH
39 PARITY AND ADDICTION EQUITY ACT OF 2008 (P.L. 110-33) AND ITS IMPLEMENTING
40 REGULATIONS.

41 2. ACCORDS WITH THE UTILIZATION REVIEW REQUIREMENTS ESTABLISHED
42 UNDER CHAPTER 15 OF THIS TITLE.

43 ~~F.~~ I. Mental health services or mental health benefits ~~do not~~
44 include benefits for the treatment of substance abuse or chemical
45 dependency.

1 ~~G.~~ J. For the purposes of this section:

2 1. "Aggregate annual limit" means a dollar limitation on the total
3 amount that may be paid in a twelve month period for benefits or services
4 under a health benefits plan for an individual who is covered under a
5 health benefits plan.

6 2. "Aggregate lifetime limit" means a dollar limitation on the
7 total amount that may be paid for benefits or services under a health
8 benefits plan for an individual who is covered under a health benefits
9 plan.

10 3. "PSYCHIATRIC COLLABORATIVE CARE MODEL" MEANS THE EVIDENCE-BASED,
11 INTEGRATED BEHAVIORAL HEALTH SERVICE DELIVERY METHOD PUBLISHED IN THE
12 FEDERAL REGISTER, VOLUME 81, NUMBER 220, NOVEMBER 15, 2016, PAGE 80230.