

History of mental health statutes in Colorado

Current Colorado law addressing the sharing of mental health claims data in the small group health insurance market creates an inequitable state of affairs, because no such prohibitions exist for other segments of the market.

The following outline explains the history of this issue, and illustrates why we need to change the small group statutes in order to synchronize them with other insurance law.

Pre 1997 - "Old" mental health law in 10-16-104 (5) detailing coverage requirements for mental health in the commercial insurance market, both small and large groups. Includes limits on sharing mental health claims information except for purposes of professional review and assessing appropriateness of treatment.

1997 - HB 97-1192 passed, adding a new section of law (5.5), requiring parity of coverage in the commercial insurance market for the 6 biologically based mental illnesses (i.e., coverage must be the same for these mental health diagnoses as for physical ailments). This section applies to both small and large group coverage.

2007 - SB 07-36 passed, expanding parity within (5.5) to additional mental health diagnoses. However, this bill affected large group only, not small group.

2009 - Federal Mental Health Parity Act passes which applied to large group only. Need for Colorado to revise state insurance statute to comply with federal requirements.

2009 - HB 09-1338 passed, conforming Colorado language to the federal law. As part of this, the law took out the large group market entirely from (5), leaving only the small group in this section. This had the effect of repealing the prohibition on sharing mental claims data in the large group and individual markets, but retaining it for the small group market. Thus, the need to conform the markets with our proposed legislation.