

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0067.01 Michael Dohr

SENATE BILL 06-005

SENATE SPONSORSHIP

Windels, Kester, and Takis

HOUSE SPONSORSHIP

Solano, and Jahn

Senate Committees

Health and Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING MENTAL HEALTH SERVICES COVERAGE UNDER HEALTH
102 BENEFIT PLANS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Justice System. Requires an individual or group health benefit plan that provides coverage for mental health services to provide coverage for services regardless of whether the services are voluntary or court-ordered as a result of contact with the criminal justice or juvenile justice system. Specifies that the health benefit plan is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

required to provide coverage only for benefits that are medically necessary and otherwise covered under the plan. Establishes that the term "mental health services" includes treatment for mental illness and treatment for biologically based mental illness.

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

2 **SECTION 1.** Part 1 of article 16 of title 10, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **10-16-104.8. Mental health services coverage - court-ordered.**

6 (1) AN INDIVIDUAL OR GROUP HEALTH BENEFIT PLAN DELIVERED OR
7 ISSUED FOR DELIVERY WITHIN THIS STATE BY AN ENTITY SUBJECT TO THE
8 PROVISIONS OF PART 2, 3, OR 4 OF THIS ARTICLE THAT PROVIDES
9 COVERAGE FOR MENTAL HEALTH SERVICES SHALL PROVIDE COVERAGE FOR
10 MENTAL HEALTH SERVICES REGARDLESS OF WHETHER THE SERVICES ARE
11 VOLUNTARY OR COURT-ORDERED AS A RESULT OF CONTACT WITH THE
12 CRIMINAL JUSTICE OR JUVENILE JUSTICE SYSTEM. THE HEALTH BENEFIT
13 PLAN SHALL BE REQUIRED TO PROVIDE COVERAGE ONLY FOR BENEFITS
14 THAT ARE MEDICALLY NECESSARY AND OTHERWISE COVERED UNDER THE
15 PLAN. SUCH COVERAGE SHALL BE SUBJECT TO APPLICABLE IN- OR OUT-OF-
16 NETWORK COPAYMENT, DEDUCTIBLE, AND POLICY MAXIMUMS AND
17 LIMITATIONS. THE COURT ORDER FOR MENTAL HEALTH SERVICES SHALL
18 NOT MANDATE THE TYPE OF MENTAL HEALTH SERVICES OR THE LENGTH
19 AND FREQUENCY OF TREATMENT THAT IS TO BE COVERED BY THE HEALTH
20 BENEFIT PLAN. THE HEALTH BENEFIT PLAN SHALL ONLY BE RESPONSIBLE
21 FOR THOSE BENEFITS THAT ARE COVERED BY THE HEALTH BENEFIT PLAN
22 AND NOT THOSE THAT ARE COURT-ORDERED THAT EXCEED THE SCOPE OF
23 BENEFITS AS PROVIDED BY THE HEALTH PLAN. DETERMINATION OF

1 MEDICALLY NECESSARY MENTAL HEALTH SERVICES SHALL BE MADE BY
2 THE HEALTH BENEFIT PLAN BASED ON THE SUBMITTED CLINICAL
3 TREATMENT PLAN FROM A PROVIDER WHO IS DESIGNATED BY AND
4 AFFILIATED WITH THE HEALTH BENEFIT PLAN. HEALTH BENEFIT PLANS
5 ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 4 OF THIS
6 ARTICLE MAY PROVIDE THAT THE BENEFITS REQUIRED PURSUANT TO THIS
7 SECTION SHALL BE COVERED BENEFITS ONLY IF THE SERVICES ARE DEEMED
8 MEDICALLY NECESSARY AND ARE RENDERED BY A PROVIDER WHO IS
9 DESIGNATED BY AND AFFILIATED WITH THE HEALTH MAINTENANCE
10 ORGANIZATION.

11 (2) NOTHING IN THIS SECTION SHALL MANDATE OR BE CONSTRUED
12 TO MANDATE THAT A HEALTH BENEFIT PLAN PROVIDE COVERAGE FOR
13 MENTAL HEALTH SERVICES.

14 (3) FOR PURPOSES OF THIS SECTION, "MENTAL HEALTH SERVICES"
15 INCLUDES TREATMENT FOR MENTAL ILLNESS AS DESCRIBED IN SECTION
16 10-16-104 (5) AND TREATMENT FOR BIOLOGICALLY BASED MENTAL
17 ILLNESS AS DESCRIBED IN SECTION 10-16-104 (5.5).

18 (4) FOR PURPOSES OF THIS SECTION, "MENTAL HEALTH SERVICES"
19 DOES NOT INCLUDE SERVICES THAT ARE OUTSIDE THE SCOPE OF THE
20 CONTRACT. SUCH MENTAL HEALTH SERVICES THAT ARE OUTSIDE THE
21 SCOPE OF THE CONTRACT MAY INCLUDE: SERVICES THAT ARE CUSTODIAL
22 OR RESIDENTIAL IN NATURE, PROBATION ASSESSMENTS, TESTING FOR
23 ABILITY, APTITUDE OR INTELLIGENCE, OR PERFORMING EVALUATIONS,
24 SUCH AS PLACEMENT EVALUATIONS, CUSTODY EVALUATIONS,
25 REUNIFICATION ASSESSMENTS, OR COMMUNITY RISK ASSESSMENTS FOR
26 ANY PURPOSE OTHER THAN MENTAL HEALTH TREATMENT.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.