

FIRST REGULAR SESSION

HOUSE BILL NO. 1123

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STEPHENS.

2420H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 337 and 376, RSMo, by adding thereto three new sections relating to mental health treatment, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 337 and 376, RSMo, are amended by adding thereto three new sections, to be known as sections 337.800, 337.801, and 376.1553, to read as follows:

337.800. 1. There is hereby established within the department of commerce and insurance the "Dialectical Behavior Therapy Task Force" to consist of the following members:

(1) The director of the department of commerce and insurance, or his or her designee, who shall serve as chair;

(2) The director of the department of mental health, or his or her designee, who shall serve as vice chair;

(3) One member of the senate, to be appointed by the president pro tempore of the senate;

(4) One member of the senate, to be appointed by the minority floor leader of the senate;

(5) One member of the house of representatives, to be appointed by the speaker of the house of representatives;

(6) One member of the house of representatives, to be appointed by the minority floor leader of the house of representatives;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(7) Three individuals certified by the Dialectical Behavior Therapy Linehan**
17 **Board of Certification as dialectical behavior therapy providers, to be appointed by the**
18 **governor;**

19 **(8) The executive director of the Missouri state committee of psychologists, or his**
20 **or her designee;**

21 **(9) One representative of Aspire Advocates for Behavioral Health, to be**
22 **appointed by the director of the department of commerce and insurance based on**
23 **recommendations of Aspire Advocates for Behavioral Health;**

24 **(10) One representative of the National Alliance on Mental Illness, to be**
25 **appointed by the director of the department of commerce and insurance based on**
26 **recommendations of the National Alliance on Mental Illness; and**

27 **(11) One representative of the American Foundation for Suicide Prevention, to**
28 **be appointed by the director of the department of commerce and insurance based on**
29 **recommendations of the American Foundation for Suicide Prevention.**

30 **2. A majority of the members of the task force shall constitute a quorum, but the**
31 **concurrence of a majority of the members shall be required for the determination of any**
32 **matter within the task force's duties. Any vacancy on the task force shall be filled in the**
33 **same manner as the original appointment.**

34 **3. The task force shall hold its first meeting before October 31, 2023, at which**
35 **time the task force shall receive public testimony regarding dialectical behavior therapy**
36 **and determine when further meetings shall occur and the focus of such meetings. The**
37 **task force shall hold at least two meetings in total.**

38 **4. The task force shall compile a report of its activities for submission to the**
39 **general assembly and the governor, which shall include specific recommendations**
40 **regarding the following:**

41 **(1) Standards and procedures for obtaining certification in dialectical behavior**
42 **therapy for providers and programs, to be derived from the Marsha Linehan Dialectical**
43 **Behavior Therapy model of treatment;**

44 **(2) Standards and procedures for temporary or provisional certification in**
45 **dialectical behavior therapy for providers and programs in the process of obtaining**
46 **certification in dialectical behavior therapy;**

47 **(3) Standards and procedures for providers from other states to obtain a**
48 **comparable certification based on certifications issued in other states; and**

49 **(4) Any other issue the task force considers relevant.**

50 **5. The department of commerce and insurance shall provide such research,**
51 **clerical, technical, and other services as the task force may require in its duties under**
52 **this section.**

53 **6. Before October 31, 2024, the task force shall provide to the general assembly,**
54 **the governor, and the director of the department of commerce and insurance a written**
55 **report detailing its findings and recommendations, including the identification of any**
56 **recommendations that may require enabling legislation in addition to the authority**
57 **specified in section 337.801. The task force shall expire on October 31, 2024.**

58 **7. Members shall serve on the task force without compensation but may, at the**
59 **discretion of the director of the department of commerce and insurance, be reimbursed**
60 **for actual and necessary expenses incurred in the performance of their official duties as**
61 **members of the task force.**

337.801. 1. The department of commerce and insurance shall promulgate rules
2 **regarding the following:**

3 **(1) Standards and procedures for obtaining certification in dialectical behavior**
4 **therapy for providers and programs, to be derived from the Marsha Linehan Dialectical**
5 **Behavior Therapy model of treatment;**

6 **(2) Standards and procedures for temporary or provisional certification in**
7 **dialectical behavior therapy for providers and programs in the process of obtaining**
8 **certification in dialectical behavior therapy; and**

9 **(3) Standards and procedures for providers from other states to obtain a**
10 **comparable certification based on certifications issued in other states.**

11 **2. Proposed rules under this section shall incorporate the recommendations**
12 **made by the dialectical behavior therapy task force in its report under section 337.800.**

13 **3. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
14 **created under the authority delegated in this section shall become effective only if it**
15 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
16 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
17 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
18 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
19 **then the grant of rulemaking authority and any rule proposed or adopted after August**
20 **28, 2023, shall be invalid and void.**

21 **4. This section shall take effect on November 1, 2024.**

376.1553. 1. As used in this section, the following terms mean:

2 **(1) "Certified dialectical behavior therapy provider", a health care provider**
3 **certified by a certifying entity to provide dialectical behavior therapy;**

4 **(2) "Certifying entity", the Dialectical Behavior Therapy Linehan Board of**
5 **Certification or any other entity approved by the department of commerce and**
6 **insurance to certify providers of dialectical behavior therapy;**

7 **(3) "Dialectical behavior therapy patient", an individual who has a mental**
8 **health diagnosis and exhibits behaviors characterized by one or more of the following**
9 **forms of dysregulation:**

10 **(a) Emotion dysregulation including, but not limited to, chronic emotion**
11 **sensitivity or undercontrolled emotion;**

12 **(b) Behavior dysregulation including, but not limited to, life-threatening**
13 **behaviors, harm to others, frequent oral arguments, or substance use;**

14 **(c) Interpersonal dysregulation including, but not limited to, making oral threats**
15 **to others or trouble maintaining relationships;**

16 **(d) Cognitive dysregulation including, but not limited to, rumination or**
17 **dissociation; or**

18 **(e) Self-dysregulation including, but not limited to, unclear sense of self or**
19 **chronic emptiness;**

20 **(4) "Dialectical behavior therapy services", all of the following services:**

21 **(a) One weekly individual therapy session for a duration of sixty minutes that is**
22 **structured in a manner that identifies, prioritizes, sequences, and treats behavioral**
23 **targets;**

24 **(b) Telephone coaching provided by the patient's individual therapist, or by**
25 **another therapist if the patient's individual therapist is not available, outside of**
26 **scheduled office hours that is available twenty-four hours per day and seven days per**
27 **week or as otherwise clinically indicated for that patient, except when prevented by**
28 **unanticipated circumstances;**

29 **(c) Structuring of the patient's environment;**

30 **(d) Weekly consultation with a team of multiple therapy providers; and**

31 **(e) Weekly skills training sessions, preferably in a group setting, with a total**
32 **duration of one hundred twenty minutes and including all of the following components:**

33 **a. Time dedicated to reviewing homework assigned at the previous session and**
34 **the skills usage recorded on the diary cards of each patient;**

35 **b. Time dedicated to teaching skills of mindfulness, interpersonal effectiveness,**
36 **emotion regulation, distress tolerance, and, in the case of dialectical behavior therapy**
37 **patients under twenty-five years of age, walking the middle path; and**

38 **c. A leader and coleader in each group, at least one of whom is both a certified**
39 **dialectical behavioral therapy provider and a health care professional licensed to**
40 **provide the services specified in this subdivision;**

41 **(5) "Enrollee", the same meaning given to the term in section 376.1350;**

42 **(6) "Health benefit plan", the same meaning given to the term in section**
43 **376.1350;**

44 (7) "Health care professional", the same meaning given to the term in section
45 376.1350;

46 (8) "Health care provider", the same meaning given to the term in section
47 376.1350;

48 (9) "Health care service", the same meaning given to the term in section
49 376.1350;

50 (10) "Health carrier", the same meaning given to the term in section 376.1350;

51 (11) "Rate, term, or condition", the same meaning given to the term in section
52 376.1550.

53 2. In addition to the coverage required under section 376.1550, health benefit
54 plans shall provide coverage for dialectical behavior therapy services rendered by a
55 certified dialectical behavior therapy provider to any enrollee who is a dialectical
56 behavior therapy patient. No health benefit plan shall establish any rate, term, or
57 condition that places a greater financial burden on an enrollee for access to treatment
58 required under this section than for access to treatment required under section
59 376.1550.

60 3. Health carriers shall incorporate all requirements of providing health care
61 services to dialectical behavior therapy patients under a certain modality when setting
62 reimbursement rates for health care services provided under that modality including,
63 but not limited to, the necessity of multiple group session leaders or coleaders being
64 present.

65 4. No person or other entity shall claim to perform or offer to perform dialectical
66 behavior therapy unless certified by a certifying entity. Any violation of this subsection
67 shall be punishable by a fine of up to five hundred dollars and may also constitute
68 grounds for disciplinary action against a professional license issued by this state or any
69 other state.

70 5. Health benefit plans shall provide coverage for at least one certified dialectical
71 behavior therapy provider, or group of certified dialectical behavior therapy providers,
72 that provides dialectical behavior therapy with no out-of-pocket cost to the enrollee in
73 excess of the cost-sharing applicable to other health care services under the health
74 benefit plan.

75 6. The reimbursement rate for a health care service rendered by a certified
76 dialectical behavior therapy provider shall be at least one hundred twenty percent of the
77 Medicare reimbursement rate for the health care service.

78 7. A health carrier shall not be in violation of the provisions of this section if the
79 health carrier applies different limits with respect to, or excludes entirely from
80 coverage, any of the following:

81 **(1) Marital, family, educational, or training services unless medically necessary**
82 **and clinically appropriate;**

83 **(2) Services rendered or billed by a school or halfway house;**

84 **(3) Care that is custodial in nature;**

85 **(4) Services and supplies that are not immediately or clinically appropriate; or**

86 **(5) Treatments that are considered experimental.**

87 **8. The provisions of this section shall apply only to health benefit plans**
88 **delivered, issued for delivery, continued, or renewed on or after January 1, 2024.**

89 **9. The provisions of this section shall not apply to a health benefit plan that is**
90 **individually underwritten or provides such coverage for specific individuals and**
91 **members of their families under section 376.779 and sections 376.810 to 376.814, a**
92 **supplemental insurance policy, including a life care contract, accident-only policy,**
93 **specified disease policy, hospital policy providing a fixed daily benefit only, Medicare**
94 **supplement policy, long-term care policy, hospitalization-surgical care policy, short-**
95 **term major medical policy of six months' or less duration, or any other supplemental**
96 **policy as determined by the director of the department of commerce and insurance.**

97 **10. The department of commerce and insurance shall promulgate rules as**
98 **necessary to implement the provisions of this section. Any rule or portion of a rule, as**
99 **that term is defined in section 536.010, that is created under the authority delegated in**
100 **this section shall become effective only if it complies with and is subject to all of the**
101 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
102 **536 are nonseverable and if any of the powers vested with the general assembly**
103 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
104 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
105 **and any rule proposed or adopted after August 28, 2023, shall be invalid and void.**

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