

HOUSE BILL 7032

By Sexton

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 33; Title 56 and Title 71, relative to parity in
coverage for mental health services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-7-2360, is amended by deleting subdivisions (a)(1)(E) and (F) and substituting:

(E) "Health benefit plan" means a hospital or medical expense policy; health, hospital, or medical service corporation contract; a policy or agreement entered into by a health insurer or a health maintenance organization contract offered by an employer; other plans administered by the state government; or a certificate issued under the policies, contracts, or plans. "Health benefit plan" includes a plan of coverage under TennCare or a successor program provided for pursuant to title 71, chapter 5;

(F) "Health insurance carrier" means an entity subject to this title, or subject to the jurisdiction of the commissioner of commerce and insurance, that contracts with healthcare providers in connection with a plan of health insurance, health benefits, or health services. "Health insurance carrier" includes a vendor, as defined in § 71-5-103, or an entity that provides a health benefit plan of coverage under TennCare or a successor program provided for pursuant to title 71, chapter 5;

SECTION 2. Tennessee Code Annotated, Section 56-7-2360(a)(2), is amended by deleting the language "pursuant to this title" and substituting "pursuant to this title or title 71, chapter 5".

SECTION 3. Tennessee Code Annotated, Section 56-7-2360(b), is amended by deleting the period at the end of the subsection and substituting "; provided, further, that

additional criteria used must ensure that benefit determination for the treatment of alcoholism or drug dependence remain in parity with benefit determination for the treatment of mental health disorders."

SECTION 4. Tennessee Code Annotated, Section 56-7-2360(c), is amended by deleting the subsection and substituting:

(c) Notwithstanding another law to the contrary, a health benefit plan issued by a health insurance carrier must provide coverage for mental health services and treatment to the same extent that the health benefit plan provides coverage for the treatment of alcoholism and drug dependence.

SECTION 5. Tennessee Code Annotated, Section 56-7-2360(e)(4)(E), is amended by deleting the subdivision and substituting:

(E) A detailed explanation regarding parity in coverage for mental health services and alcoholism and drug dependency services in compliance with § 56-7-2360(c);

SECTION 6. Tennessee Code Annotated, Section 56-7-2601(b), is amended by deleting the language "disability, unless the policy or plan of insurance specifically excludes or reduces these benefits." and substituting "disability."

SECTION 7. Tennessee Code Annotated, Section 56-7-2601(c)(3), is amended by deleting the last sentence and substituting:

However, the benefits provided are subject to deductibles and coinsurance factors that are not less favorable than for physical illness or the treatment of alcoholism or substance abuse generally, and coverage is not required to be made available for more than the number of visits per year offered for the treatment of alcoholism or substance abuse.

SECTION 8. Tennessee Code Annotated, Section 56-7-2601(e), is amended by adding a new subdivision (3):

(3) A residential or other mental health treatment facility licensed under title 33, chapter 2, part 4.

SECTION 9. Tennessee Code Annotated, Section 56-7-2601(g), is amended by deleting the semicolon at the end of subdivisions (2) and (4), and for each such subdivision substituting instead ", unless such plan provides coverage for alcoholism and drug dependence;".

SECTION 10. Tennessee Code Annotated, Section 56-7-2601(g)(5), is amended by deleting the semicolon at the end of the subdivision and substituting "; provided, that coverage for mental health treatment must remain in parity with coverage for alcoholism and drug dependence coverage;".

SECTION 11. This act takes effect October 1, 2023, the public welfare requiring it, and applies to policies, plans, and contracts entered into, renewed, amended, or modified on or after that date.