

**MENTAL HEALTH TREATMENT AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian S. King**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses mental health coverage requirements for health plans offered by certain governmental entities.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires health plans offered by a governmental entity that opts out of the federal Mental Health Parity and Addiction Equity Act (the act) to substantially comply with the act, including the act's financial requirements and treatment limitations;
- ▶ provides limitations that a governmental entity may place on residential treatment coverage; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**31A-22-605.5**, as last amended by Laws of Utah 2012, Chapter 127



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **31A-22-605.5** is amended to read:

30 **31A-22-605.5. Application -- State mental health parity and addiction equity**  
31 **requirement for exempt governmental entities.**

32 (1) For purposes of this section [~~"insurance~~]:

33 (a) "Exempt governmental entity" means a governmental entity whose  
34 employer-sponsored health plan opts out of the Mental Health Parity and Addiction Equity Act  
35 in accordance with 42 U.S.C. Sec. 300gg-21(a)(2).

36 (b) "Governmental entity" means:

37 (i) the state;

38 (ii) a political subdivision of the state, as defined in Section [63G-7-102](#);

39 (iii) a law enforcement agency, as defined in Section [53-1-102](#), that employs one or  
40 more law enforcement officers, as defined in Section [53-13-103](#); or

41 (iv) an institution of higher education.

42 (c) "Insurance mandate":

43 [~~(a)~~] (i) means a mandatory obligation with respect to coverage, benefits, or the number  
44 or types of providers imposed on policies of accident and health insurance; and

45 [~~(b)~~] (ii) does not mean:

46 [~~(i)~~] (A) an administrative rule imposing a mandatory obligation with respect to  
47 coverage, benefits, or providers unless that mandatory obligation was specifically imposed on  
48 policies of accident and health insurance by statute; or

49 [~~(i)~~] (B) an insurance mandate in an essential health benefits package imposed  
50 pursuant to the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, and the  
51 Health Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and federal rules  
52 related to their implementation.

53 (d) "Mental Health Parity and Addiction Equity Act" means 42 U.S.C. Sec. 300gg-26.

54 (e) "Residential treatment" means the same as that term is defined in Section  
55 [62A-2-101](#).

56 (f) "Substance use disorder benefit" means the same as that term is defined in 26  
57 C.F.R. Sec. 54.9812-1(a).

58 (2) (a) Notwithstanding the provisions of Subsection [31A-1-103\(3\)\(f\)](#), the following

59 shall apply to health coverage offered to the state employees' risk pool under Subsection  
60 49-20-202(1)(a):

61 (i) any law enacted under this title that becomes effective after January 1, 2002, which  
62 provides for an insurance mandate for policies of accident and health insurance; and

63 (ii) in accordance with Section 31A-22-613.5, disclosure requirements for coverage  
64 limitations.

65 (b) Notwithstanding the provisions of Subsection 31A-1-103(3)(f), a health insurance  
66 mandate enacted under this title after January 1, 2012, shall apply to:

67 (i) health coverage offered to the state employees' risk pool under Subsection  
68 49-20-202(1)(a); and

69 (ii) health coverage offered to public school districts, charter schools, and institutions  
70 of higher education under Subsection 49-20-201(1)(b).

71 (c) If health coverage offered to the state employees' risk pool under Subsections  
72 49-20-201(1)(b) and 49-20-202(1)(a) offers coverage in the same manner and to the same  
73 extent as the coverage required by an insurance mandate enacted under this title or coverage  
74 that is greater than the insurance mandate enacted under this title, the coverage offered to state  
75 employees under Subsections 49-20-201(1)(b) and 49-20-202(1)(a) will be considered in  
76 compliance with the insurance mandate.

77 (d) (i) The programs regulated under Subsections 49-20-201(1)(b) and 49-20-202(1)(a)  
78 shall report to the Retirement and Independent Entities Committee created under Section  
79 63E-1-201 by November 30 of each year in which a mandate is enacted under the provisions of  
80 this section.

81 (ii) The report shall include the costs and benefits of the particular mandatory  
82 obligation.

83 (3) (a) An insurance mandate for policies of accident and health insurance enacted  
84 under this title after January 1, 2012, shall apply to a health plan offered by a public school  
85 district, a charter school, or a state funded institution of higher education that is not insured  
86 through the Public Employees' Benefit and Insurance Program.

87 (b) If an insurance mandate for policies of accident and health insurance is enacted  
88 under this title after January 1, 2012, the state shall determine whether each entity described in  
89 Subsections (2) and (3)(a) offers coverage in the same manner and to the same extent, or

90 greater than the insurance coverage required in the mandate enacted after January 1, 2012.

91 (c) Before enacting an insurance mandate, the state shall, for each entity that does not  
92 offer coverage in accordance with Subsection (3)(b):

93 (i) determine the cost to the entity of implementing the insurance mandate; and

94 (ii) appropriate money necessary to fund the full cost to the entity of implementing the  
95 insurance mandate.

96 (4) (a) Notwithstanding the provisions of Subsection 31A-1-103(3)(f), a health plan  
97 offered by an exempt governmental entity shall substantially comply in good faith with the  
98 Mental Health Parity and Addiction Equity Act, including:

99 (i) using the same or less restrictive financial requirements for mental health and  
100 substance use disorder benefits as for medical and surgical benefits; and

101 (ii) except as provided in Subsection (4)(b), using quantitative treatment limitation  
102 requirements and non-quantitative treatment limitation requirements.

103 (b) In covering mental health and substance use residential treatment, a health plan  
104 offered by an exempt governmental entity may refer to the health plan's coverage of skilled  
105 nursing facilities for purposes of quantitative and non-quantitative treatment limitation  
106 requirements.

107 (c) This Subsection (4) does not alter an exempt governmental entity's exempt status  
108 under 42 U.S.C. Sec. 300gg-21(a)(2).

109 (d) This Subsection (4) applies to a health plan that is entered into or renewed on or  
110 after July 1, 2023.