

SUBJECT: Creating a mental health parity complaint portal, educational materials

COMMITTEE: Insurance — committee substitute recommended

VOTE: 9 ayes — Oliverson, Vo, J. González, Hull, Israel, Middleton, Paul, Romero, Sanford

0 nays

WITNESSES: For — Greg Hansch, National Alliance on Mental Illness Texas; Frances Douglas, Texas Psychological Association; (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Allison Greer, CHCS; Stacy Wilson, Children’s Hospital Association of Texas; Christine Bryan, Clarity Child Guidance Center; Chase Bearden, Coalition of Texans with Disabilities; Stacey Pogue, Every Texan; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Alison Mohr Boleware, National Association of Social Workers Texas Chapter; Josette Saxton, Texans Care for Children; Shannon Meroney, Texas Association of Health Underwriters; David Reynolds, Texas Chapter of the American College of Physicians; Lee Johnson, Texas Council of Community Centers; Cameron Duncan, Texas Hospital Association; Clayton Stewart, Texas Medical Association; Ashley Harris, United Ways of Texas; Thomas Parkinson)

Against — None

On — Luke Bellsnyder, Texas Department of Insurance

BACKGROUND: Insurance Code ch. 1355, subch. F governs coverage for mental health conditions and substance use disorders. Under sec. 1355.254, a health benefit plan must provide benefits and coverage for mental health conditions and substance use disorders under the same terms and conditions applicable to the plan's medical and surgical benefits and coverage. This coverage may not impose treatment limitations on benefits for a mental health condition or substance use disorder that are generally more restrictive than treatment limitations imposed on coverage of

benefits for medical or surgical expenses.

Some have called for the state to increase awareness regarding mental health parity, including by establishing a health insurance parity complaint portal through which enrollees of health benefit plans could submit suspected violations of equal mental health coverage requirements.

DIGEST:

CSHB 2595 would create a portal for complaints by health benefit plan enrollees regarding mental health parity and require the development of additional educational materials and training on parity law for mental health conditions. The bill also would designate October as Mental Health Condition and Substance Use Disorder Parity Awareness Month to increase awareness of and compliance with state and federal requirements regarding benefits for mental health conditions and substance use disorders.

Parity complaint portal. The bill would require the commissioner of insurance to develop and maintain a parity complaint portal that allowed a health benefit plan enrollee to submit complaints of suspected violations of statutory provisions relating to health benefit plan coverage for mental health conditions and substance use disorders. The commissioner could develop a new complaint portal or modify an existing complaint portal.

The portal would have to allow an enrollee to submit a complaint in multiple ways, provide updates on the complaint, and ensure timely, effective, and equitable resolutions for the submitted complaints.

The portal would have to provide education materials regarding:

- benefits for mental health conditions and substance use disorders required by the state;
- an enrollee's rights and responsibilities under a health benefit plan concerning coverage;
- circumstances under which a claim could be denied; and
- the processes for reviewing a complaint submitted through the portal.

In developing the portal, the commissioner would have to develop best practices standards for submissions and tracking, and would have to conduct an assessment of similar complaint portals used by other relevant public or private entities. The commissioner would have to develop the portal, required educational materials, and parity law training sessions as soon as practicable after the bill's effective date.

Education, training. The commissioner, in collaboration with the Health and Human Services Commission's (HHSC) behavioral health ombudsman, would have to develop educational materials and parity law training sessions regarding coverage for mental health conditions and substance use disorders. The material and training sessions would have to:

- be made available to health benefit plan issuers and enrollees;
- include online, print, and in-person formats;
- be made available through the parity complaint portal and at relevant locations and settings, including any relevant agency offices, health benefit plan provider service locations, and professional conferences and trade association meetings; and
- include a list of relevant third-party organization educational and parity law awareness materials that provide additional information regarding mental health conditions and substance use disorder parity and, if provided online, the links needed to access those materials.

Report. By September 1 of each year, the commissioner in collaboration with the HHSC behavioral health ombudsman would have to submit a report to the appropriate legislative committees and state agencies on the status of the rights and responsibilities for mental health condition and substance use disorder benefits and resolved and unresolved complaints submitted through the parity complaint portal. The report also must be published to the portal.

The bill would take effect September 1, 2021.