

## **BILL ANALYSIS**

Senate Research Center  
87R19506 MEW-F

H.B. 2595  
By: Price et al. (Nelson)  
Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2017, the legislature passed H.B. 10 into law, creating parity in the handling of insurance benefits and claims for mental health and substance use disorders when compared to coverage for other medical and surgical conditions. H.B. 10 also created the Mental Health Condition and Substance Use Disorder Parity Workgroup.

In July 2020, the workgroup issued a progress report that proposes additional recommendations to strengthen parity, specifically the creation of a complaint submission process that will ensure equitable resolution of complaints, provide basic training related to parity rights, and raise the public's awareness through educational materials and a designated awareness month. H.B. 2595 seeks to implement these recommendations by designating October as Mental Health Condition and Substance Use Disorder Parity Awareness Month, by establishing an integrated parity complaint portal to allow enrollees of a health benefit plan to electronically submit suspected violations, and through the development of educational materials and parity law training.

H.B. 2595 amends current law relating to a parity complaint portal and educational materials and parity law training regarding benefits for mental health conditions and substance use disorders to be made available through the portal and otherwise, and designates October as mental health condition and substance use disorder parity awareness month.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 662, Government Code, by adding Section 662.115, as follows:

Sec. 662.115. MENTAL HEALTH CONDITION AND SUBSTANCE USE DISORDER PARITY AWARENESS MONTH. (a) Provides that October is Mental Health Condition and Substance Use Disorder Parity Awareness Month to increase awareness of and compliance with state and federal rules, regulations, and statutes concerning the availability of, and terms and conditions of, benefits for mental health conditions and substance use disorders.

(b) Authorizes that Mental Health Condition and Substance Use Disorder Parity Awareness Month be regularly observed through appropriate activities in communities to increase awareness of and education on the available benefits for mental health conditions and substance use disorders.

SECTION 2. Amends Subchapter F, Chapter 1355, Insurance Code, by adding Sections 1355.2571 and 1355.2572, as follows:

Sec. 1355.2571. PARITY COMPLAINT PORTAL. (a) Requires the commissioner of insurance (commissioner) to develop and maintain a parity complaint portal that is an integrated system that allows for the enrollee of a health benefit plan to submit

complaints of suspected violations of the provisions of Subchapter F (Coverage for Mental Health Conditions and Substance Use Disorders). Requires that the parity complaint portal:

- (1) allow for an enrollee to submit a complaint through multiple ways;
- (2) provide updates on the status of an enrollee's complaint;
- (3) ensure timely, effective, and equitable resolution for submitted complaints;
- (4) include educational materials regarding:
  - (A) benefits for mental health conditions and substance use disorders required under Subchapter F;
  - (B) an enrollee's rights and responsibilities under a health benefit plan concerning coverage under Subchapter F;
  - (C) circumstances under which a claim is authorized to be denied; and
  - (D) the processes for reviewing a complaint submitted through the portal;
- (5) adhere to national best practices as determined by the commissioner; and
- (6) include the findings of the report required by Section 1355.2572(b).

(b) Provides that in developing the parity complaint portal under Subsection (a), the commissioner:

- (1) is required to conduct an assessment of complaint portals and similar systems used by other relevant public or private entities;
- (2) is required to develop best practice standards for complaint submissions and tracking consistent with the findings of the assessment conducted under Subdivision (1); and
- (3) is authorized to develop a new complaint portal or modify an existing complaint portal.

(c) Requires the Health and Human Services Commission (HHSC) to appoint a liaison to the Texas Department of Insurance to receive reports of concerns, complaints, and potential violations submitted through the parity complaint portal established under Subsection (a).

**Sec. 1355.2572. EDUCATIONAL MATERIALS AND PARITY LAW TRAINING; REPORT.** (a) Requires the commissioner, in collaboration with HHSC's ombudsman for behavioral health, to develop educational materials and parity law training sessions regarding the coverage for mental health conditions and substance use disorders required under Subchapter F. Requires the commissioner to ensure that the materials and training sessions:

- (1) are available to health benefit plan issuers and enrollees;
- (2) include online, print, and in-person formats;

(3) are made available through the parity complaint portal established under Section 1355.2571 and at relevant locations and settings, including:

(A) any relevant agency offices;

(B) health benefit plan provider service locations; and

(C) relevant professional conferences and trade association meetings; and

(4) 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 in an online format, provide the links needed to access those materials online.

(b) Requires the commissioner, not later than September 1 of each year, in collaboration with HHSC's ombudsman for behavioral health, to:

(1) prepare and submit a report to the appropriate committees of the legislature and the appropriate state agencies on the status of:

(A) rights and responsibilities for mental health condition and substance use disorder benefits; and

(B) resolved and unresolved complaints submitted through the parity complaint portal established under Section 1355.2571(a); and

(2) publish the findings of the report under Subdivision (1) to the parity complaint portal established under Section 1355.2571(a).

**SECTION 3.** Requires the commissioner, as soon as practicable after the effective date of this Act, to develop the parity complaint portal required by Section 1355.2571, Insurance Code, as added by this Act and the educational materials and parity law training sessions required by Section 1355.2572, Insurance Code, as added by this Act.

**SECTION 4.** Effective date: September 1, 2021.