

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0112.01 Christy Chase x2008

HOUSE BILL 20-1086

HOUSE SPONSORSHIP

Michaelson Jenet and Larson,

SENATE SPONSORSHIP

Fields,

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTH INSURANCE COVERAGE FOR AN ANNUAL MENTAL**
102 **HEALTH WELLNESS EXAMINATION PERFORMED BY A QUALIFIED**
103 **MENTAL HEALTH CARE PROVIDER, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill adds a requirement, as part of mandatory health insurance coverage of preventive health care services, that health plans cover an annual mental health wellness examination of up to 60 minutes that is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- performed by a qualified mental health care provider. The coverage must:
- ! Be comparable to the coverage of a physical examination;
 - ! Comply with the requirements of federal mental health parity laws; and
 - ! Not require any deductibles, copayments, or coinsurance for the mental health wellness examination.
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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and determines that:

4 (a) Prevention and early identification of mental health issues can
5 lead to better outcomes for families and all people throughout their lives;

6 (b) Mental health conditions that occur in youth before the age of
7 six can interfere with emotional, cognitive, and physical development;

8 (c) The number of aging adults who have a mental health
9 condition is expected to double to fifteen million in the next two decades,
10 leading to increased health care use and higher health care costs;

11 (d) With an increase in suicide and the number of overdose deaths
12 on the rise, it is imperative for Colorado to increase access to preventive
13 annual mental health wellness examinations;

14 (e) Annual mental health wellness examinations help identify
15 potential mental health issues early on and allow individuals to be offered
16 services and supports to address their needs before an issue progresses or
17 becomes a crisis;

18 (f) Primary care providers are important in early detection of
19 mental health issues but often lack the ability to provide adequate
20 education, consultation, and treatment options to clients in need of further
21 mental health support; and

22 (g) Therefore, it is imperative that our system works to integrate

1 and colocate mental health services in primary care settings and opens
2 access to annual mental health wellness exams for all Coloradans, starting
3 at the prenatal phase through the end of life.

4 **SECTION 2.** In Colorado Revised Statutes, 10-16-104, **amend**
5 (18)(a)(I) introductory portion; and **add** (18)(b.7), (18)(c)(III.7), and
6 (18)(c)(III.9) as follows:

7 **10-16-104. Mandatory coverage provisions - definitions -**
8 **rules.** (18) **Preventive health care services.** (a) (I) The following
9 policies and contracts that are ~~delivered~~, issued OR renewed ~~or reinstated~~
10 ~~on or after January 1, 2010~~, IN THIS STATE must provide coverage for the
11 total cost of the preventive health care services specified in ~~paragraph (b)~~
12 ~~of this subsection (18)~~ SUBSECTIONS (18)(b) AND (18)(b.7) OF THIS
13 SECTION:

14 (b.7) THE COVERAGE REQUIRED BY THIS SUBSECTION (18) MUST
15 INCLUDE AN ANNUAL MENTAL HEALTH WELLNESS EXAMINATION OF UP TO
16 SIXTY MINUTES THAT IS PERFORMED BY A QUALIFIED MENTAL HEALTH
17 CARE PROVIDER. THE COVERAGE FOR AN ANNUAL MENTAL HEALTH
18 WELLNESS EXAMINATION MUST BE NO LESS EXTENSIVE THAN THE
19 COVERAGE PROVIDED FOR A PHYSICAL EXAMINATION AND MUST COMPLY
20 WITH THE REQUIREMENTS OF THE MHPAEA.

21 (c) For purposes of this subsection (18):

22 (III.7) "MENTAL HEALTH WELLNESS EXAMINATION" MEANS AN
23 EXAMINATION THAT INCLUDES SERVICES SUCH AS A BEHAVIORAL HEALTH
24 SCREENING; EDUCATION AND CONSULTATION ON HEALTHY LIFESTYLE
25 CHANGES; REFERRALS TO ONGOING TREATMENT, MENTAL HEALTH
26 SERVICES, AND OTHER SUPPORTS; AND DISCUSSION OF POTENTIAL OPTIONS
27 FOR MEDICATION.

- 1 (III.9) "QUALIFIED MENTAL HEALTH CARE PROVIDER" MEANS:
- 2 (A) A PHYSICIAN LICENSED TO PRACTICE MEDICINE PURSUANT TO
- 3 ARTICLE 240 OF TITLE 12 WHO HAS SPECIFIC BOARD CERTIFICATION OR
- 4 TRAINING IN PSYCHIATRY OR OTHER MENTAL OR BEHAVIORAL HEALTH
- 5 CARE AREAS;
- 6 (B) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240
- 7 OF TITLE 12 WHO HAS TRAINING IN PSYCHIATRY OR MENTAL HEALTH;
- 8 (C) A PSYCHOLOGIST LICENSED PURSUANT TO PART 3 OF ARTICLE
- 9 245 OF TITLE 12;
- 10 (D) A CLINICAL SOCIAL WORKER LICENSED PURSUANT TO PART 4
- 11 OF ARTICLE 245 OF TITLE 12;
- 12 (E) A MARRIAGE AND FAMILY THERAPIST LICENSED PURSUANT TO
- 13 PART 5 OF ARTICLE 245 OF TITLE 12;
- 14 (F) A PROFESSIONAL COUNSELOR LICENSED PURSUANT TO PART 6
- 15 OF ARTICLE 245 OF TITLE 12;
- 16 (G) AN ADDICTION COUNSELOR LICENSED PURSUANT TO PART
- 17 8 OF ARTICLE 245 OF TITLE 12; OR
- 18 (H) AN ADVANCED PRACTICE NURSE, AS DEFINED IN SECTION
- 19 12-255-104 (1), WITH SPECIFIC TRAINING IN PSYCHIATRIC NURSING.

20 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,

21 \$13,347 is appropriated to the department of regulatory agencies for use

22 by the division of insurance. This appropriation is from the division of

23 insurance cash fund created in section 10-1-103 (3), C.R.S., and is based

24 on an assumption that the division will require an additional 0.2 FTE. To

25 implement this act, the division may use this appropriation for personal

26 services.

27 **SECTION 4. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 5, 2020, if adjournment sine die is on May 6,
4 2020); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2020 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) This act applies to policies and contracts issued or renewed on
11 or after January 1, 2022.