

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0040.02 Christy Chase x2008

HOUSE BILL 21-1068

HOUSE SPONSORSHIP

Michaelson Jenet and Titone, Weissman

SENATE SPONSORSHIP

Moreno,

House Committees
Health & Insurance

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.

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 performed by a qualified mental health care provider. The coverage must:

- Be comparable to the coverage of a physical examination;

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.

- Comply with the requirements of federal mental health parity laws; and
- Not require any deductibles, copayments, or coinsurance for the mental health wellness examination.

The coverage applies to plans issued on or after January 1, 2022.

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 declares 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 health care system works
23 to integrate and collocate mental health services in primary care settings

1 and opens access to annual mental health wellness examinations for all
2 Coloradans, starting at the prenatal phase through the end of life.

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

6 **10-16-104. Mandatory coverage provisions - definitions -**
7 **rules.** (18) **Preventive health care services.** (a) (I) The following
8 policies and contracts that are ~~delivered~~, issued OR renewed ~~or reinstated~~
9 ~~on or after January 1, 2010~~, IN THIS STATE must provide coverage for the
10 total cost of the preventive health care services specified in ~~paragraph (b)~~
11 ~~of this subsection (18)~~ SUBSECTIONS (18)(b) AND (18)(b.7) OF THIS
12 SECTION:

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

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

21 (III.7) "MENTAL HEALTH WELLNESS EXAMINATION" MEANS AN
22 EXAMINATION THAT SEEKS TO IDENTIFY ANY BEHAVIORAL OR MENTAL
23 HEALTH NEEDS AND APPROPRIATE RESOURCES FOR TREATMENT. THE
24 EXAMINATION MAY INCLUDE:

25 (A) OBSERVATION; A BEHAVIORAL HEALTH SCREENING;
26 EDUCATION AND CONSULTATION ON HEALTHY LIFESTYLE CHANGES;
27 REFERRALS TO ONGOING TREATMENT, MENTAL HEALTH SERVICES, AND

1 OTHER NECESSARY SUPPORTS; AND DISCUSSION OF POTENTIAL OPTIONS
2 FOR MEDICATION; AND

3 (B) AGE-APPROPRIATE SCREENINGS OR OBSERVATIONS TO
4 UNDERSTAND A COVERED PERSON'S MENTAL HEALTH HISTORY, PERSONAL
5 HISTORY, AND MENTAL OR COGNITIVE STATE AND, WHEN APPROPRIATE,
6 RELEVANT ADULT INPUT THROUGH SCREENINGS, INTERVIEWS, AND
7 QUESTIONS.

8 (III.9) "QUALIFIED MENTAL HEALTH CARE PROVIDER" MEANS:

9 (A) A PHYSICIAN LICENSED TO PRACTICE MEDICINE PURSUANT TO
10 ARTICLE 240 OF TITLE 12 WHO HAS SPECIFIC BOARD CERTIFICATION OR
11 TRAINING IN PSYCHIATRY OR OTHER MENTAL OR BEHAVIORAL HEALTH
12 CARE AREAS;

13 (B) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240
14 OF TITLE 12 WHO HAS TRAINING IN PSYCHIATRY OR MENTAL HEALTH;

15 (C) A PSYCHOLOGIST LICENSED PURSUANT TO PART 3 OF ARTICLE
16 245 OF TITLE 12;

17 (D) A CLINICAL SOCIAL WORKER LICENSED PURSUANT TO PART 4
18 OF ARTICLE 245 OF TITLE 12;

19 (E) A MARRIAGE AND FAMILY THERAPIST LICENSED PURSUANT TO
20 PART 5 OF ARTICLE 245 OF TITLE 12;

21 (F) A PROFESSIONAL COUNSELOR LICENSED PURSUANT TO PART 6
22 OF ARTICLE 245 OF TITLE 12;

23 (G) AN ADDICTION COUNSELOR LICENSED PURSUANT TO PART 8 OF
24 ARTICLE 245 OF TITLE 12; OR

25 (H) AN ADVANCED PRACTICE REGISTERED NURSE, AS DEFINED IN
26 SECTION 12-255-104 (1), WITH SPECIFIC TRAINING IN PSYCHIATRIC
27 NURSING.

1 **SECTION 3. Applicability.** This act applies to sickness and
2 accident insurance policies, health care service and indemnity contracts,
3 and any other health care coverage issued or renewed in this state on or
4 after January 1, 2022.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.