

By: Senator(s) Carmichael, Butler (38th),
Dawkins, Simmons (12th)

To: Insurance

SENATE BILL NO. 2331
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 83-9-39, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY WHEN HEALTH INSURANCE POLICIES MUST INCLUDE COVERAGE FOR
3 MENTAL ILLNESS; TO AMEND SECTION 83-9-41, MISSISSIPPI CODE OF
4 1972, TO PROVIDE FOR THE PROVISION OF OUTPATIENT MENTAL ILLNESS
5 COVERAGE ON PARITY WITH INPATIENT AND PARTIAL HOSPITALIZATION
6 MENTAL ILLNESS COVERAGE; TO REPEAL SECTION 83-9-40, MISSISSIPPI
7 CODE OF 1972, WHICH PROVIDES THE FORMULA FOR DETERMINING WHICH
8 HEALTH INSURANCE POLICIES ARE REQUIRED TO PROVIDE COVERED BENEFITS
9 FOR THE TREATMENT OF MENTAL ILLNESS; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 83-9-39, Mississippi Code of 1972, is
12 amended as follows:

13 83-9-39. (1) (a) Except as otherwise provided herein, all
14 alternative delivery systems and all group health insurance
15 policies, plans or programs regulated by the State of Mississippi
16 shall provide covered benefits for the treatment of mental
17 illness, except for policies which only provide coverage for
18 specified diseases and other limited benefit health insurance
19 policies and negotiated labor contracts. * * *

20 (b) Health insurance policies, plans or programs of any
21 employer of one hundred (100) or fewer eligible employees and all



22 individual health insurance policies which are regulated by the
23 State of Mississippi which do not currently offer benefits for
24 treatment of mental illness shall offer covered benefits for the
25 treatment of mental illness, except for policies which only
26 provide coverage for specified diseases and other limited benefit
27 health insurance policies and negotiated labor contracts. * * *

28 (2) Covered benefits for inpatient treatment of mental
29 illness in insurance policies and other contracts subject to
30 Sections 83-9-37 through 83-9-43 shall be limited to inpatient
31 services certified as necessary by a health service provider.

32 (3) Covered benefits for outpatient treatment of mental
33 illness in insurance policies and other contracts subject to
34 Sections 83-9-37 through 83-9-43 shall be limited to outpatient
35 services certified as necessary by a health service provider.

36 (4) Before an insured party may qualify to receive benefits
37 under Sections 83-9-37 through 83-9-43, a health service provider
38 shall certify that the individual is suffering from mental illness
39 and refer the individual for the appropriate treatment.

40 (5) All mental illness, treatment or services with respect
41 to such treatment eligible for health insurance coverage shall be
42 subject to professional utilization and peer review procedures.

43 (6) The provisions of this section shall apply only to
44 alternative delivery systems and individual and group health
45 insurance policies, plans or programs issued or renewed after July
46 1, 1991.



47 (7) The exclusion period for coverage of a preexisting
48 mental condition shall be the same period of time as that for
49 other medical illnesses covered under the same plan, program or
50 contract.

51 **SECTION 2.** Section 83-9-41, Mississippi Code of 1972, is
52 amended as follows:

53 83-9-41. (1) Covered benefits for services in this section
54 shall be limited to coverage of treatment of clinically
55 significant mental illness.

56 (2) Treatment under this section shall be covered for a
57 minimum of thirty (30) days per year for inpatient services, a
58 minimum of sixty (60) days per year for partial hospitalization,
59 and a minimum of fifty-two (52) outpatient visits per year.

60 (3) The rate of payment for inpatient services, outpatient
61 services, and partial hospitalization shall be the same as
62 provided for any other condition. * * *

63 **SECTION 3.** Section 83-9-40, Mississippi Code of 1972, which
64 provides the formula for determining which health insurance
65 policies are required to provide covered benefits for the
66 treatment of mental illness, is hereby repealed.

67 **SECTION 4.** This act shall take effect and be in force from
68 and after July 1, 2014, and shall apply only to alternative
69 delivery systems and individual and group health insurance
70 policies, plans or programs issued or renewed on or after July 1,
71 2014.

