

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2575

1 AN ACT TO AMEND SECTION 83-9-39, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT ALTERNATIVE DELIVERY SYSTEMS AND GROUP HEALTH
 3 INSURANCE POLICIES, PLANS OR PROGRAMS REGULATED BY THE STATE OF
 4 MISSISSIPPI SHALL NOT DENY THE STATE DEPARTMENT OF HEALTH THE
 5 RIGHT TO PARTICIPATE AS A CONTRACT PROVIDER IF THE DEPARTMENT
 6 AGREES TO PROVIDE THE MENTAL HEALTH SERVICES THAT MEET THE TERMS
 7 OF REQUIREMENTS SET FORTH BY THE INSURER UNDER THE POLICY OR PLAN
 8 AND AGREES TO THE TERMS OF REIMBURSEMENT SET FORTH BY THE INSURER;
 9 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, which must include the treatment of
26 mental illness by (i) community mental health centers operated by
27 a regional commission established under Section 41-19-33 or by
28 (ii) a public or private entity under contract with a regional
29 commission to operate the center, or (iii) the Mississippi State
30 Department of Health, except for policies which only provide
31 coverage for specified diseases and other limited benefit health
32 insurance policies and negotiated labor contracts.

33 (c) Alternative delivery systems and group health
34 insurance policies, plans or programs regulated by the State of
35 Mississippi shall not deny any community mental health center or
36 contract entity described in paragraph (b) of this subsection,
37 including the Mississippi State Department of Health, the right to
38 participate as a contract provider if the community mental health
39 center or contract entity, or the Mississippi State Department of
40 Health agrees to provide the mental health services that meet the
41 terms of requirements set forth by the insurer under the policy or
42 plan and agrees to the terms of reimbursement set forth by the
43 insurer. Certification/licensure of all mental health providers
44 by the Board of Mental Health in accordance with Section 41-4-7(r)
45 shall be recognized by the insurer and shall not be used as a



46 reason to deny any mental health provider the right to participate
47 as a contract provider.

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

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

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

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

63 (6) The provisions of this section shall apply only to
64 alternative delivery systems and individual and group health
65 insurance policies, plans or programs issued or renewed after July
66 1, 1991.

67 (7) The exclusion period for coverage of a preexisting
68 mental condition shall be the same period of time as that for
69 other medical illnesses covered under the same plan, program or
70 contract.



71 **SECTION 2.** This act shall take effect and be in force from
72 and after July 1, 2023.

