

By: Senator(s) Carmichael

To: Insurance;
Appropriations

SENATE BILL NO. 2121

1 AN ACT TO REQUIRE HEALTH INSURANCE POLICIES TO INCLUDE
2 COVERAGE FOR COGNITIVE REHABILITATION THERAPIES AND SERVICES
3 NECESSARY AS A RESULT OF AN ACQUIRED BRAIN INJURY; TO AMEND
4 SECTION 25-15-9, MISSISSIPPI CODE OF 1972, TO REQUIRE SUCH
5 COVERAGE UNDER THE STATE AND SCHOOL EMPLOYEES HEALTH INSURANCE
6 PLAN; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Any hospital, health or medical expense insurance
9 policy, hospital or medical service contract, employee welfare
10 benefit plan, health and accident insurance policy, or any other
11 insurance contract of this type, including a group insurance plan
12 and a self-insurance plan that provides medical and surgical
13 benefits for accident and health services, which is issued,
14 amended, delivered or renewed in this state or after January 1,
15 2003, shall include coverage for cognitive rehabilitation therapy,
16 cognitive communication therapy, neurocognitive therapy and
17 rehabilitation, neurobehavioral, neurophysiological,
18 neuropsychological, psychophysiological testing or treatment,
19 neurofeedback therapy, remediation, post-acute transition services
20 or community reintegration services necessary as a result of and
21 related to an acquired brain injury. Coverage required under this
22 section may be subject to deductibles, co-payments, coinsurance
23 and annual or maximum payment limits that are consistent with
24 deductibles, co-payments, coinsurance and annual or maximum
25 payment limits applicable to other similar coverage under the
26 policy. The Commissioner of Insurance shall adopt rules as
27 necessary to implement this section.

28 **SECTION 2.** Section 25-15-9, Mississippi Code of 1972, is
29 amended as follows:



30 25-15-9. (1) (a) The board shall design a plan of health
31 insurance for state employees which provides benefits for
32 semiprivate rooms in addition to other incidental coverages which
33 the board deems necessary. The amount of the coverages shall be
34 in such reasonable amount as may be determined by the board to be
35 adequate, after due consideration of current health costs in
36 Mississippi. The plan shall also include major medical benefits
37 in such amounts as the board shall determine. The board is also
38 authorized to accept bids for such alternate coverage and optional
39 benefits as the board shall deem proper. Any contract for
40 alternative coverage and optional benefits shall be awarded by the
41 board after it has carefully studied and evaluated the bids and
42 selected the best and most cost-effective bid. The board may
43 reject all such bids; however, the board shall notify all bidders
44 of the rejection and shall actively solicit new bids if all bids
45 are rejected. The board may employ or contract for such
46 consulting or actuarial services as may be necessary to formulate
47 the plan, and to assist the board in the preparation of
48 specifications and in the process of advertising for the bids for
49 the plan. Such contracts shall be solicited and entered into in
50 accordance with Section 25-15-5. The board shall keep a record of
51 all persons, agents and corporations who contract with or assist
52 the board in preparing and developing the plan. The board in a
53 timely manner shall provide copies of this record to the members
54 of the advisory council created in this section and those
55 legislators, or their designees, who may attend meetings of the
56 advisory council. The board shall provide copies of this record
57 in the solicitation of bids for the administration or servicing of
58 the self-insured program. Each person, agent or corporation
59 which, during the previous fiscal year, has assisted in the
60 development of the plan or employed or compensated any person who
61 assisted in the development of the plan, and which bids on the
62 administration or servicing of the plan, shall submit to the board



63 a statement accompanying the bid explaining in detail its
64 participation with the development of the plan. This statement
65 shall include the amount of compensation paid by the bidder to any
66 such employee during the previous fiscal year. The board shall
67 make all such information available to the members of the advisory
68 council and those legislators, or their designees, who may attend
69 meetings of the advisory council before any action is taken by the
70 board on the bids submitted. The failure of any bidder to fully
71 and accurately comply with this paragraph shall result in the
72 rejection of any bid submitted by that bidder or the cancellation
73 of any contract executed when the failure is discovered after the
74 acceptance of that bid. The board is authorized to promulgate
75 rules and regulations to implement the provisions of this
76 subsection.

77 The board shall develop plans for the insurance plan
78 authorized by this section in accordance with the provisions of
79 Section 25-15-5.

80 Any corporation, association, company or individual that
81 contracts with the board for the third-party claims administration
82 of the self-insured plan shall prepare and keep on file an
83 explanation of benefits for each claim processed. The explanation
84 of benefits shall contain such information relative to each
85 processed claim which the board deems necessary, and, at a
86 minimum, each explanation shall provide the claimant's name, claim
87 number, provider number, provider name, service dates, type of
88 services, amount of charges, amount allowed to the claimant and
89 reason codes. The information contained in the explanation of
90 benefits shall be available for inspection upon request by the
91 board. The board shall have access to all claims information
92 utilized in the issuance of payments to employees and providers.

93 (b) There is created an advisory council to advise the
94 board in the formulation of the State and School Employees Health
95 Insurance Plan. The council shall be composed of the State



96 Insurance Commissioner or his designee, an employee-representative
97 of the institutions of higher learning appointed by the board of
98 trustees thereof, an employee-representative of the Department of
99 Transportation appointed by the director thereof, an
100 employee-representative of the State Tax Commission appointed by
101 the Commissioner of Revenue, an employee-representative of the
102 Mississippi Department of Health appointed by the State Health
103 Officer, an employee-representative of the Mississippi Department
104 of Corrections appointed by the Commissioner of Corrections, and
105 an employee-representative of the Department of Human Services
106 appointed by the Executive Director of Human Services, two (2)
107 certificated public school administrators appointed by the State
108 Board of Education, two (2) certificated classroom teachers
109 appointed by the State Board of Education, a noncertificated
110 school employee appointed by the State Board of Education and a
111 community/junior college employee appointed by the State Board for
112 Community and Junior Colleges.

113 The Lieutenant Governor may designate the Secretary of the
114 Senate, the Chairman of the Senate Appropriations Committee, the
115 Chairman of the Senate Education Committee and the Chairman of the
116 Senate Insurance Committee, and the Speaker of the House of
117 Representatives may designate the Clerk of the House, the Chairman
118 of the House Appropriations Committee, the Chairman of the House
119 Education Committee and the Chairman of the House Insurance
120 Committee, to attend any meeting of the State and School Employees
121 Insurance Advisory Council. The appointing authorities may
122 designate an alternate member from their respective houses to
123 serve when the regular designee is unable to attend such meetings
124 of the council. Such designees shall have no jurisdiction or vote
125 on any matter within the jurisdiction of the council. For
126 attending meetings of the council, such legislators shall receive
127 per diem and expenses which shall be paid from the contingent
128 expense funds of their respective houses in the same amounts as



129 provided for committee meetings when the Legislature is not in
130 session; however, no per diem and expenses for attending meetings
131 of the council will be paid while the Legislature is in session.
132 No per diem and expenses will be paid except for attending
133 meetings of the council without prior approval of the proper
134 committee in their respective houses.

135 (c) No change in the terms of the State and School
136 Employees Health Insurance Plan may be made effective unless the
137 board, or its designee, has provided notice to the State and
138 School Employees Health Insurance Advisory Council and has called
139 a meeting of the council at least fifteen (15) days before the
140 effective date of such change. In the event that the State and
141 School Employees Health Insurance Advisory Council does not meet
142 to advise the board on the proposed changes, the changes to the
143 plan shall become effective at such time as the board has informed
144 the council that the changes shall become effective.

145 (d) **Medical benefits for retired employees and**
146 **dependents under age sixty-five (65) years and not eligible for**
147 **Medicare benefits.** The same health insurance coverage as for all
148 other active employees and their dependents shall be available to
149 retired employees and all dependents under age sixty-five (65)
150 years who are not eligible for Medicare benefits, the level of
151 benefits to be the same level as for all other active
152 participants. This section will apply to those employees who
153 retire due to one hundred percent (100%) medical disability as
154 well as those employees electing early retirement.

155 (e) **Medical benefits for retired employees and**
156 **dependents over age sixty-five (65) years or otherwise eligible**
157 **for Medicare benefits.** The health insurance coverage available to
158 retired employees over age sixty-five (65) years or otherwise
159 eligible for Medicare benefits, and all dependents over age
160 sixty-five (65) years or otherwise eligible for Medicare benefits,
161 shall be the major medical coverage with the lifetime maximum of



162 One Million Dollars (\$1,000,000.00). Benefits shall be reduced by
163 Medicare benefits as though such Medicare benefits were the base
164 plan.

165 All covered individuals shall be assumed to have full
166 Medicare coverage, Parts A and B; and any Medicare payments under
167 both Parts A and B shall be computed to reduce benefits payable
168 under this plan.

169 (2) Nonduplication of benefits--reduction of benefits by
170 Title XIX benefits: When benefits would be payable under more
171 than one (1) group plan, benefits under those plans will be
172 coordinated to the extent that the total benefits under all plans
173 will not exceed the total expenses incurred.

174 Benefits for hospital or surgical or medical benefits shall
175 be reduced by any similar benefits payable in accordance with
176 Title XIX of the Social Security Act or under any amendments
177 thereto, or any implementing legislation.

178 Benefits for hospital or surgical or medical benefits shall
179 be reduced by any similar benefits payable by workers'
180 compensation.

181 (3) Beginning on July 1, 2002, the board shall provide that
182 the plan include coverage for cognitive rehabilitation therapy,
183 cognitive communication therapy, neurocognitive therapy and
184 rehabilitation, neurobehavioral, neurophysiological,
185 neuropsychological, psychophysiological testing or treatment,
186 neurofeedback therapy, remediation, post-acute transition services
187 or community reintegration services necessary as a result of and
188 related to an acquired brain injury. The benefit provided in this
189 subsection shall be subject to the same annual deductibles or
190 co-insurance established for all other covered benefits within the
191 plan.

192 (4) (a) Schedule of life insurance benefits--group term:
193 The amount of term life insurance for each active employee of a
194 department, agency or institution of the state government shall



195 not be in excess of One Hundred Thousand Dollars (\$100,000.00), or
196 twice the amount of the employee's annual wage to the next highest
197 One Thousand Dollars (\$1,000.00), whichever may be less, but in no
198 case less than Thirty Thousand Dollars (\$30,000.00), with a like
199 amount for accidental death and dismemberment on a
200 twenty-four-hour basis. The plan will further contain a premium
201 waiver provision if a covered employee becomes totally and
202 permanently disabled prior to age sixty-five (65) years.
203 Employees retiring after June 30, 1999, shall be eligible to
204 continue life insurance coverage in an amount of Five Thousand
205 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
206 Thousand Dollars (\$20,000.00) into retirement.

207 (b) Effective October 1, 1999, schedule of life
208 insurance benefits--group term: The amount of term life insurance
209 for each active employee of any school district, community/junior
210 college, public library or university-based program authorized
211 under Section 37-23-31 for deaf, aphasic and emotionally disturbed
212 children or any regular nonstudent bus driver shall not be in
213 excess of One Hundred Thousand Dollars (\$100,000.00), or twice the
214 amount of the employee's annual wage to the next highest One
215 Thousand Dollars (\$1,000.00), whichever may be less, but in no
216 case less than Thirty Thousand Dollars (\$30,000.00), with a like
217 amount for accidental death and dismemberment on a
218 twenty-four-hour basis. The plan will further contain a premium
219 waiver provision if a covered employee of any school district,
220 community/junior college, public library or university-based
221 program authorized under Section 37-23-31 for deaf, aphasic and
222 emotionally disturbed children or any regular nonstudent bus
223 driver becomes totally and permanently disabled prior to age
224 sixty-five (65) years. Employees of any school district,
225 community/junior college, public library or university-based
226 program authorized under Section 37-23-31 for deaf, aphasic and
227 emotionally disturbed children or any regular nonstudent bus



228 driver retiring after September 30, 1999, shall be eligible to
229 continue life insurance coverage in an amount of Five Thousand
230 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
231 Thousand Dollars (\$20,000.00) into retirement.

232 (5) Any eligible employee who on March 1, 1971, was
233 participating in a group life insurance program which has
234 provisions different from those included herein and for which the
235 State of Mississippi was paying a part of the premium may, at his
236 discretion, continue to participate in such plan. Such employee
237 shall pay in full all additional costs, if any, above the minimum
238 program established by this article. Under no circumstances shall
239 any individual who begins employment with the state after March 1,
240 1971, be eligible for the provisions of this paragraph.

241 (6) The board may offer medical savings accounts as defined
242 in Section 71-9-3 as a plan option.

243 (7) Any premium differentials, differences in coverages,
244 discounts determined by risk or by any other factors shall be
245 uniformly applied to all active employees participating in the
246 insurance plan. It is the intent of the Legislature that the
247 state contribution to the plan be the same for each employee
248 throughout the state.

249 (8) On October 1, 1999, any school district,
250 community/junior college district or public library may elect to
251 remain with an existing policy or policies of group life insurance
252 with an insurance company approved by the State and School
253 Employees Health Insurance Management Board, in lieu of
254 participation in the State and School Life Insurance Plan. The
255 state's contribution of up to fifty percent (50%) of the active
256 employee's premium under the State and School Life Insurance Plan
257 may be applied toward the cost of coverage for full-time employees
258 participating in the approved life insurance company group plan.
259 For purposes of this subsection (8), "life insurance company group
260 plan" means a plan administered or sold by a private insurance



261 company. After October 1, 1999, the board may assess charges in
262 addition to the existing State and School Life Insurance Plan
263 rates to such employees as a condition of enrollment in the State
264 and School Life Insurance Plan. In order for any life insurance
265 company group plan existing as of October 1, 1999, to be approved
266 by the State and School Employees Health Insurance Management
267 Board under this subsection (8), it shall meet the following
268 criteria:

269 (a) The insurance company offering the group life
270 insurance plan shall be rated "A-" or better by A.M. Best state
271 insurance rating service and be licensed as an admitted carrier in
272 the State of Mississippi by the Mississippi Department of
273 Insurance.

274 (b) The insurance company group life insurance plan
275 shall provide the same life insurance, accidental death and
276 dismemberment insurance and waiver of premium benefits as provided
277 in the State and School Life Insurance Plan.

278 (c) The insurance company group life insurance plan
279 shall be fully insured, and no form of self-funding life insurance
280 by such company shall be approved.

281 (d) The insurance company group life insurance plan
282 shall have one (1) composite rate per One Thousand Dollars
283 (\$1,000.00) of coverage for active employees regardless of age and
284 one (1) composite rate per One Thousand Dollars (\$1,000.00) of
285 coverage for all retirees regardless of age or type of retiree.

286 (e) The insurance company and its group life insurance
287 plan shall comply with any administrative requirements of the
288 State and School Employees Health Insurance Management Board. In
289 the event any insurance company providing group life insurance
290 benefits to employees under this subsection (8) fails to comply
291 with any requirements specified herein or any administrative
292 requirements of the board, the state shall discontinue providing
293 funding for the cost of such insurance.



294 **SECTION 3.** This act shall take effect and be in force from
295 and after July 1, 2002.

