



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2019 Biennium

Bill # HB0142

Title: Revise insurance law to give mental health coverage parity with physical health

Primary Sponsor: Bishop, Laurie

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: There is no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:

Department of Administration

- Title 33 does not apply to the State of Montana Employee Benefit Plan (Plan), and the Plan is not subject to the jurisdiction of the Commission of Insurance (Section 33-1-102, MCA).
- As a self-funded, non-federal governmental health plan, the Plan may elect to opt-out of the Mental Health Parity and Addiction Equity Act (MHPAEA). The Plan has elected to comply with the MHPAEA. The Plan currently offers coverage that complies with the MHPAEA, the Patient Protection and Affordable Care Act, and applicable Montana statutes, and the coverage is at least as extensive as the proposed bill.

Office of the Commissioner of Higher Education

- Title 33 does not apply to the Montana University System Benefit Plan (Plan), and the Plan is not subject to the jurisdiction of the Commission of Insurance (Section 33-1-102, MCA).
- As a self-funded, non-federal governmental health plan, the Plan may elect to opt-out of the Mental Health Parity and Addiction Equity Act (MHPAEA). The Plan has elected to comply with the MHPAEA. The Plan currently offers coverage that complies with the MHPAEA, the Patient Protection and Affordable Care Act, and applicable Montana statutes, and the coverage is at least as extensive as the proposed bill.

Effect on County or Other Local Revenues or Expenditures:

Department of Administration

1. To the extent local governments are not currently offering these benefits, there would be a cost. However, it is assumed that all local governments do offer this services and therefore, there would be no fiscal impact.

Technical Notes:

Department of Administration

1. The bill as proposed inserts provisions requiring the State Employee Group Benefit Plan to be governed by Title 33 and subjecting the plan to jurisdiction of the insurance commissioner. However, this plan is governed by Title 2.
2. The bill proposes definitions in Section 3 that conflict with federal law. To the extent it conflicts with federal law, it creates compliance issues for the Plan.

Department of Labor and Industry

3. Page eight, line four, the definition of “Qualified health care provider” does not include nurses in the definition. Advanced Practice Registered Nurses, either as a focus, or as part of their scope of practice, treat mental health and substance abuse issues. They may have been inadvertently excluded from this definition.

Montana Association of Counties

4. The state law defines mental illness; however, there are a number of items in the definition that do not appear to be clinically based. Further, the final regulations for the federal MHPAEA regulations do not define mental illness – they leave that to clinical definitions. This bill includes autism in that definition (it is not a mental illness, it is a behavioral disability) and Asperger’s, which has been removed from the updated version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) as a recognized diagnosis.
5. In the definition of provider, the bill includes family and marriage counselors. Almost all family and marriage counseling is not mental health related. It is relationship and behavior counseling with no mental illness diagnosis.
6. The federal law exempts small employers and also allows certain plans to opt out if the plan can show that compliance will cause a specified increase in plan costs. This bill does not have any of those features, so it potentially puts some existing plans in a conflict situation between federal law compliance and this bill.

<i>Sponsor’s Initials</i>	<i>Date</i>	<i>Budget Director’s Initials</i>	<i>Date</i>
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