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## National Council of Insurance Legislators (NCOIL)

### Model Act in Support of Mental Health Wellness Exams

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*\*Sponsored by Rep. Rachel Roberts (KY)*

*\*Draft as of October 23, 2024. To be discussed and considered during the Joint State-Federal Relations & International Insurance Issues Committee on November 24, 2024.*

#### Table of Contents

Section 1.	Title
Section 2.	Purpose
Section 3.	Definitions
Section 4.	Coverage of Mental Health Wellness Examinations
Section 5.	Rules
Section 6.	Effective Date

#### **Section 1. Title**

This Act shall be known as the [State] Act in Support of Mental Health Wellness Exams.

#### **Section 2. Purpose**

The purpose of this Act is to require health insurance coverage for mental health wellness exams in an effort to promote greater utilization of such exams and strengthen the mental health of the citizens of [State].

#### **Section 3. Definitions**

(a) The following definitions apply for purposes of this Act:

(1) "Mental health professional" means any of the following persons engaged in providing mental health services:

(i) A physician or psychiatrist licensed to practice medicine or osteopathy under [insert citation to general medical licensing statutes];

- (ii) A medical officer of the government of the United States;
- (iii) A licensed psychologist, licensed psychological practitioner, certified psychologist, or licensed psychological associate, licensed under [xxxxxxx];
- (iv) A certified nurse practitioner or clinical nurse specialist with a psychiatric, primary care, mental health population focus licensed to engage in advanced practice nursing under [xxxxxxx];
- (v) A licensed clinical social worker licensed under [xxxxxxx] or a certified social worker licensed under [xxxxxxx];
- (vi) A licensed marriage and family therapist licensed under [xxxxxxxx] or a marriage and family therapist associate holding a permit under [xxxxxxxx];
- (vii) A licensed professional clinical counselor or licensed professional counselor associate, licensed under [xxxxxxxx];
- (viii) A licensed professional art therapist licensed under [xxxxxxx] or a licensed professional art therapist associate licensed under [xxxxxxx];
- (ix) A [state] licensed pastoral counselor licensed under [xxxxxxxx];
- (x) A licensed clinical alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or certified alcohol and drug counselor, licensed or certified under [xxxxxxx]; or
- (xi) A physician assistant licensed under [*insert citation to general medical licensing statutes*];or

*Drafting Note: It is not the intent of this Model to include clinical or other support staff not expressly listed here in the definition of "Mental health professional."*

(2) "Mental health wellness examination" includes but is not limited to:

- (i) A behavioral health screening;
- (ii) Education and consultation on healthy lifestyle changes;
- (iii) Referrals to ongoing treatment, mental health services, and other supports; and
- (iv) age-appropriate screenings or observations to understand a person's mental health history, personal history and mental or cognitive state and, when appropriate, relevant adult input through screenings, interviews and questions.

*Drafting Note: It is not the intent of this Model to require that a “mental health wellness examination” include a discussion of potential options for medication.*

(3) “The Mental Health Parity and Addiction Equity Act” means the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and any amendments to, and any federal guidance or regulations relevant to, that act.

#### **Section 4 – Coverage of Mental Health Wellness Examinations**

(a) To the extent permitted by federal law, all health plans shall provide coverage for an annual standalone mental health wellness examination that is performed by a mental health professional.

(b) The coverage required by this section shall:

(1) Be no less extensive than the coverage provided for medical and surgical benefits;

(2) Comply with the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. sec. 300gg-26, as amended; and

(3) Not be subject to copayments, coinsurance, deductibles, or any other cost sharing requirements, provided, however, that cost-sharing shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on cost-sharing for this service.

#### **Section 5. Rules**

The [xxxxxxx] shall adopt rules to effectuate the provisions of this Act, including appropriate penalties for violations.

#### **Section 6. Effective Date**

This Act shall take effect [xxxxxx].