

2022 -- H 8169

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LC005759  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO INSURANCE -- INSURANCE COVERAGE FOR MENTAL ILLNESS AND  
SUBSTANCE ABUSE

Introduced By: Representatives Casey, Edwards, Filippi, Chippendale, and Cassar

Date Introduced: April 27, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-38.2-2 of the General Laws in Chapter 27-38.2 entitled "Insurance  
2 Coverage for Mental Illness and Substance Abuse" is hereby amended to read as follows:

3 **27-38.2-2. Definitions.**

4 For the purposes of this chapter, the following words and terms have the following  
5 meanings:

6 (1) "Financial requirements" means deductibles, copayments, coinsurance, or out-of-  
7 pocket maximums.

8 (2) "Group health plan" means an employee welfare benefit plan as defined in 29 U.S.C. §  
9 1002(1) to the extent that the plan provides health benefits to employees or their dependents directly  
10 or through insurance, reimbursement, or otherwise. For purposes of this chapter, a group health  
11 plan shall not include a plan that provides health benefits directly to employees or their dependents,  
12 except in the case of a plan provided by the state or an instrumentality of the state.

13 (3) "Health insurance plan" means health insurance coverage offered, delivered, issued for  
14 delivery, or renewed by a health insurer.

15 (4) "Health insurers" means all persons, firms, corporations, or other organizations offering  
16 and assuring health services on a prepaid or primarily expense-incurred basis, including but not  
17 limited to, policies of accident or sickness insurance, as defined by chapter 18 of this title; nonprofit  
18 hospital or medical service plans, whether organized under chapter 19 or 20 of this title or under

1 any public law or by special act of the general assembly; health maintenance organizations, or any  
2 other entity that insures or reimburses for diagnostic, therapeutic, or preventive services to a  
3 determined population on the basis of a periodic premium. Provided, this chapter does not apply to  
4 insurance coverage providing benefits for:

- 5 (i) Hospital confinement indemnity;
- 6 (ii) Disability income;
- 7 (iii) Accident only;
- 8 (iv) Long-term care;
- 9 (v) Medicare supplement;
- 10 (vi) Limited benefit health;
- 11 (vii) Specific disease indemnity;
- 12 (viii) Sickness or bodily injury or death by accident or both; and
- 13 (ix) Other limited benefit policies.

14 (5) "Mental health or substance use disorder" means any mental disorder and substance use  
15 disorder that is listed in the most recent revised publication or the most updated volume of either  
16 the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American  
17 Psychiatric Association or the International Classification of Disease Manual (ICO) published by  
18 the World Health Organization; provided, that tobacco and caffeine are excluded from the  
19 definition of "substance" for the purposes of this chapter.

20 (6) "Non-quantitative treatment limitations" means: (i) Medical management standards; (ii)  
21 Formulary design and protocols; (iii) Network tier design; (iv) Standards for provider admission to  
22 participate in a network; (v) Reimbursement rates and methods for determining usual, customary,  
23 and reasonable charges; and (vi) Other criteria that limit scope or duration of coverage for services  
24 in the treatment of mental health and substance use disorders, including restrictions based on  
25 geographic location, facility type, and provider specialty.

26 (7) "Quantitative treatment limitations" means numerical limits on coverage for the  
27 treatment of mental health and substance use disorders based on the frequency of treatment, number  
28 of visits, days of coverage, days in a waiting period, or other similar limits on the scope or duration  
29 of treatment.

30 (8) "Serious mental illness" means a mental disorder as defined in the most recent edition  
31 of the Diagnostic and Statistical Manual of Mental Disorders published by the American  
32 Psychiatric Association that results in serious functional impairment that substantially interferes  
33 with or limits one or more major life activities.

34 (9) "Step therapy protocol" means a protocol that establishes a specific sequence in which

1 [prescription drugs for a specified medical condition are medically necessary for a particular](#)  
2 [enrollee and are covered under a pharmacy or medical benefit by a carrier, including self-](#)  
3 [administered and physician-administered drugs.](#)

4 SECTION 2. Chapter 27-38.2 of the General Laws entitled "Insurance Coverage for Mental  
5 Illness and Substance Abuse" is hereby amended by adding thereto the following section:

6 **27-38.2-6. Prohibition of prior authorization or step therapy protocol.**

7 [A group health plan, an individual or group health insurance plan, as defined under chapters](#)  
8 [18, 19, 20, and 41 of title 27, the Rhode Island medical assistance program, as defined under chapter](#)  
9 [8 of title 40, and any contract between the Rhode Island medical assistance program and a health](#)  
10 [insurer shall not require prior authorization or a step therapy protocol for the prescription of](#)  
11 [medication used to assess or treat an enrollee's serious mental illness.](#)

12 SECTION 3. This act shall take effect upon passage and shall apply to all policies,  
13 contracts, and certificates executed, delivered, issued for delivery, continued or renewed in this  
14 state on or after January 1, 2023.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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1           This act would prohibit a group health plan, an individual or group health insurance plan,  
2 the Rhode Island medical assistance program, and any contract between the Rhode Island medical  
3 assistance program and a health insurer from utilizing prior authorization or a step therapy protocol  
4 for the prescription of medication used to assess or treat an enrollee's serious mental illness.

5           This act would take effect upon passage and would apply to all policies, contracts, and  
6 certificates executed, delivered, issued for delivery, continued or renewed in this state on or after  
7 January 1, 2023.

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