

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 444 By: Montgomery of the Senate
3 and
4 Miller of the House
5

6 [mental health and substance use disorder benefits -
7 reimbursement - necessity determination -
8 codification - effective date]
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11 AUTHOR: Add the following House Coauthor: Provenzano

12 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
13 and insert:

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15 "An Act relating to mental health and substance abuse
16 disorder benefits; defining terms; requiring certain
17 health benefit plans and Oklahoma Medicaid Program to
18 provide reimbursement for certain care pursuant to
19 certain models; allowing for denial of reimbursement
20 under certain circumstances; providing for necessity
21 determination; providing for codification; and
22 providing an effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 6060.11a of Title 36, unless
there is created a duplication in numbering, reads as follows:

1 A. For the purposes of this section:

2 1. "Behavioral health integration" means an approach to
3 delivering mental health care that improves the ability for primary
4 care providers to include mental and behavioral health screening,
5 treatment, and specialty care into their practice pursuant to
6 Current Procedural Terminology billing code 99484, as established by
7 the American Medical Association;

8 2. "Health benefit plan" means a plan as defined pursuant to
9 Section 6060.4 of Title 36 of the Oklahoma Statutes;

10 3. "Mental health and substance abuse disorder benefits" means
11 benefits for the treatment of any condition or disorder that
12 involves a mental health condition or substance abuse disorder,
13 including, but not limited to, those that fall under any of the
14 diagnostic categories listed in the mental disorders section of the
15 most recent edition of the International Classification of Diseases
16 or in the mental disorders section of the most recent version of the
17 Diagnostic and Statistical Manual of Mental Disorders;

18 4. "Oklahoma Medicaid Program" means the state program
19 administered by the Oklahoma Health Care Authority pursuant to
20 Section 1002 of Title 56 of the Oklahoma Statutes; and

21 5. "Psychiatric collaborative care model" means the evidence-
22 based, integrated behavioral health service delivery method
23 described pursuant to 81 C.F.R. 80230. The model shall include, but
24

1 not be limited to, the following Current Procedural Terminology
2 billing codes, as established by the American Medical Association:

- 3 a. 99492,
- 4 b. 99493, and
- 5 c. 99494.

6 B. 1. Any health benefit plan that is offered, issued, or
7 renewed in this state and that provides mental health or substance
8 abuse disorder benefits shall provide reimbursement for such
9 benefits that are delivered through the behavioral health
10 integration and psychiatric collaborative care models.

11 2. The Oklahoma Medicaid Program shall provide reimbursement
12 for such benefits that are delivered through the behavioral health
13 integration and psychiatric collaborative care models.

14 3. Plans offered, issued, or renewed in this state that provide
15 benefits under this subsection may deny reimbursement of any Current
16 Procedural Terminology code pursuant to paragraph 3 of subsection A
17 of this section due to medical necessity; provided, such medical
18 necessity determinations shall be in compliance with the federal
19 Paul Wellstone and Pete Domenici Mental Health Parity and Addiction
20 Equity Act of 2008, as amended, and its implementing and related
21 regulations, and in accordance with the utilization review
22 requirements pursuant to Section 6551 et seq. of Title 36 of the
23 Oklahoma Statutes and the review and denial of mental health and
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1 substance abuse disorder treatments and services in Section 1250.5
2 et seq. of Title 36 of the Oklahoma Statutes.

3 SECTION 2. This act shall become effective November 1, 2023."

4 Passed the House of Representatives the 26th day of April, 2023.

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7 _____
8 Presiding Officer of the House of
9 Representatives

10 Passed the Senate the ____ day of _____, 2023.

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14 Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 444

By: Montgomery of the Senate

3 and

4 Miller of the House

5
6 [mental health and substance use disorder benefits -
7 reimbursement - necessity determination -
8 codification - effective date]
9

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6060.11a of Title 36, unless
13 there is created a duplication in numbering, reads as follows:

14 A. For the purposes of this section:

15 1. "Behavioral health integration" means an approach to
16 delivering mental health care that improves the ability for primary
17 care providers to include mental and behavioral health screening,
18 treatment, and specialty care into their practice pursuant to
19 current procedural terminology billing code 99484, as established by
20 the American Medical Association;

21 2. "Health benefit plan" means a plan as defined pursuant to
22 Section 6060.4 of Title 36 of the Oklahoma Statutes;

23 3. "Mental health and substance abuse disorder benefits" means
24 benefits for the treatment of any condition or disorder that

1 involves a mental health condition or substance abuse disorder,
2 including but not limited to those that fall under any of the
3 diagnostic categories listed in the mental disorders section of the
4 most recent edition of the International Classification of Diseases
5 or in the mental disorders section of the most recent version of the
6 Diagnostic and Statistical Manual of Mental Disorders;

7 4. "Oklahoma Medicaid Program" means the state program
8 administered by the Oklahoma Health Care Authority pursuant to
9 Section 1002 of Title 56 of the Oklahoma Statutes; and

10 5. "Psychiatric collaborative care model" means the evidence-
11 based, integrated behavioral health service delivery method
12 described pursuant to 81 C.F.R. 80230. The model shall include, but
13 not be limited to, the following current procedural terminology
14 billing codes, as established by the American Medical Association:

- 15 a. 99492,
- 16 b. 99493, and
- 17 c. 99494.

18 B. 1. Any health benefit plan that is offered, issued, or
19 renewed in this state and that provides mental health or substance
20 abuse disorder benefits shall provide reimbursement for such
21 benefits that are delivered through the behavioral health
22 integration and psychiatric collaborative care models.

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1 2. The Oklahoma Medicaid Program shall provide reimbursement
2 for such benefits that are delivered through the behavioral health
3 integration and psychiatric collaborative care models.

4 3. Plans offered, issued, or renewed in this state that provide
5 benefits under this subsection may deny reimbursement of any current
6 procedural terminology code pursuant to paragraph 3 of subsection A
7 of this section due to medical necessity; provided, such medical
8 necessity determinations shall be in compliance with the federal
9 Paul Wellstone and Pete Domenici Mental Health Parity and Addiction
10 Equity Act of 2008, as amended, and its implementing and related
11 regulations, and in accordance with the utilization review
12 requirements pursuant to Section 6551 et seq. of Title 36 of the
13 Oklahoma Statutes and the review and denial of substance use
14 disorder treatments and services in Section 1250.5 et seq. of Title
15 36 of the Oklahoma Statutes.

16 SECTION 4. This act shall become effective November 1, 2023.

1 Passed the Senate the 8th day of March, 2023.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives