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District 13

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The State of Texas  
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March 25, 2008

The Honorable Greg Abbott  
Attorney General of Texas  
PO Box 12548  
Austin, TX 78711-2548

FILE # RDJ/ML-45616-08  
I.D. # 45616

Dear General Abbott:

The purpose of this letter is to request your formal opinion regarding a group health plan's responsibility to provide the same number of outpatient visits for serious mental illnesses and physical illnesses.

*HB*

During the 75<sup>th</sup> Legislature, I sponsored ~~SB~~ 1173, which mandated group health insurance coverage for serious mental illnesses. The law also required that serious mental illnesses and physical illnesses be treated equally with regard to amount limitations, deductibles, copayments, and coinsurance factors. In Section 1355.004 (a) (1) (b) of the Insurance Code, group health plans are required to provide no less than 60 outpatient visits for the treatment of serious mental illnesses. In Section 1355.004 (b) (2), it further clarifies that mental health outpatient visits must be covered "under the same terms" as outpatient visits for physical illnesses.

The guidance in Section 1355.004 (b) (2) appears to clearly require group health plans that provide more than 60 outpatient visits for physical illnesses to provide the same number of visits for serious mental illnesses. However, that is not the current interpretation employed by the Texas Department of Insurance.

Your opinion regarding this issue would be greatly appreciated. If you need any additional information or have any questions, please do not hesitate to contact Tina Tran of my staff.

Sincerely,

Rodney Ellis