

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1208

Introduced by

Representatives Carlson, Horter, Price

Senators Brown, Fischer, J. Lee

1 A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 26.1-36-08 and
2 paragraph 4 of subdivision f of subsection 2 of section 26.1-36-09 of the North Dakota Century
3 Code, relating to excluding high-deductible health plans from mental health and substance
4 abuse mandates in order to meet federal requirements for tax qualification of health savings
5 accounts.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subdivision d of subsection 2 of section 26.1-36-08 of the
8 North Dakota Century Code is amended and reenacted as follows:

9 d. In the case of benefits provided for outpatient treatment, the benefits must be
10 provided for a minimum of twenty visits for services covered under this section
11 in any calendar year, provided the diagnosis, evaluation, and treatment
12 services are provided within the scope of licensure by a licensed physician, a
13 licensed psychologist who is eligible for listing on the national register of
14 health service providers in psychology, or the treatment services are provided
15 within the scope of licensure by a licensed addiction counselor. The
16 insurance company, nonprofit health service corporation, or health
17 maintenance organization may not establish a deductible or a copayment for
18 the first five visits in any calendar year, and may not establish a copayment
19 greater than twenty percent for the remaining visits. The deductible limitation
20 of this subdivision does not apply to a high-deductible health plan used to
21 establish a health savings account pursuant to and as defined in section 223
22 of the Internal Revenue Code [26 U.S.C. 223].

23 **SECTION 2. AMENDMENT.** Paragraph 4 of subdivision f of subsection 2 of section
24 26.1-36-09 of the North Dakota Century Code is amended and reenacted as follows:

1 (4) The insurance company, nonprofit health service corporation, or health
2 maintenance organization may not establish a deductible or a
3 copayment for the first five hours in any calendar year, and may not
4 establish a copayment greater than twenty percent for the remaining
5 hours. The deductible limitation of this paragraph does not apply to a
6 high-deductible health plan used to establish a health savings account
7 pursuant to and as defined in section 223 of the Internal Revenue Code
8 [26 U.S.C. 223].