

**FIRST ENGROSSMENT
with House Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2210

Introduced by

Senators Nelson, Grindberg, Kilzer

Representatives Keiser, Metcalf, Price

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota
2 Century Code, relating to alternative group health policy and health service contract substance
3 abuse coverage; and to amend and reenact section 26.1-36-08 of the North Dakota Century
4 Code, relating to group health policy and health service contract substance abuse coverage.

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

6 **SECTION 1. AMENDMENT.** Section 26.1-36-08 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **26.1-36-08. Group health policy and health service contract substance abuse**
9 **coverage.**

- 10 1. An insurance company, nonprofit health service corporation, or health
11 maintenance organization may not deliver, issue, execute, or renew any health
12 insurance policy or health service contract on a group ~~or~~, blanket ~~or~~, franchise, or
13 association basis unless the policy or contract provides benefits, of the same type
14 offered under the policy or contract for other illnesses, for health services to any
15 ~~person~~ individual covered under the policy or contract, for the diagnosis,
16 evaluation, and treatment of alcoholism, drug addiction, or other related illness,
17 which benefits meet or exceed the benefits provided in subsection 2.
- 18 2. The benefits must be provided for inpatient treatment ~~and~~, treatment by partial
19 hospitalization, and outpatient treatment:
- 20 a. In the case of benefits provided for inpatient treatment, the benefits must be
21 provided for a minimum of sixty days of services covered under this section
22 and section 26.1-36-09 in any calendar year ~~if provided by a hospital as~~
23 ~~defined in subsection 25 of section 52-01-01 and rules of the state~~
24 ~~department of health pursuant thereto, or as licensed under section~~

1 ~~23-17.1-01 offering treatment for the prevention or cure of alcoholism, drug~~
2 ~~addiction, or other related illness. Services provided under this subdivision~~
3 ~~must be provided by an addiction treatment program licensed under chapter~~
4 ~~50-31.~~

5 b. In the case of benefits provided for partial hospitalization, the benefits must
6 be provided for a minimum of one hundred twenty days of services covered
7 under this section and section 26.1-36-09 in any calendar year if. Services
8 provided under this subdivision must be provided by a hospital as defined in
9 ~~subsection 25 of section 52-01-01 and rules of the state department of health~~
10 ~~pursuant thereto or as licensed under section 23-17.1-01, or by a regional~~
11 ~~human service center~~ an addiction treatment program licensed under section
12 ~~50-06-05.2, offering treatment for the prevention or cure of alcoholism, drug~~
13 ~~addiction, or other related illness~~ chapter 50-31. For services provided in
14 regional human service centers, charges must be reasonably similar to the
15 charges for care provided by hospitals as defined in this subsection.

16 c. Benefits may also be provided for a combination of inpatient and partial
17 hospitalization treatment. For the purpose of computing the period for which
18 benefits are payable, each day of inpatient treatment is equivalent to two days
19 of treatment by partial hospitalization; ~~provided, however,~~ that no more than
20 forty-six days of the inpatient treatment benefits required by this section may
21 be traded for treatment by partial hospitalization.

22 d. In the case of benefits provided for outpatient treatment, the benefits must be
23 provided for a minimum of twenty visits for services covered under this
24 section in any calendar year, provided the diagnosis, evaluation, and
25 treatment services are provided within the scope of licensure by a licensed
26 physician, a licensed psychologist who is eligible for listing on the national
27 register of health service providers in psychology, or the treatment services
28 are provided within the scope of licensure by a licensed addiction counselor.
29 The insurance company, nonprofit health service corporation, or health
30 maintenance organization may not establish a deductible or a copayment for

- 1 the first five visits in any calendar year, and may not establish a copayment
2 greater than twenty percent for the remaining visits.
- 3 e. If the services are provided by a provider outside a preferred provider network
4 without a referral from within the network, the insurance company, nonprofit
5 health service corporation, or health maintenance organization may establish
6 a copayment greater than twenty percent for only those visits after the first
7 five visits in any calendar year.
- 8 f. ~~"Partial hospitalization"~~ As used in this section and section 2 of this Act,
9 partial hospitalization means continuous treatment for at least three hours, but
10 not more than twelve hours, in any twenty-four-hour period and includes the
11 medically necessary treatment services provided by licensed professionals
12 under the supervision of a licensed physician.
- 13 3. This section does not prevent any insurance company, nonprofit health service
14 corporation, or health maintenance organization from issuing, delivering, or
15 renewing, at its option, any policy or contract containing provisions similar to those
16 required by this section, when the policy or contract is not subject to such
17 provisions.

18 **SECTION 2.** A new section to chapter 26.1-36 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Alternative group health policy and health service contract substance abuse**
21 **coverage.**

- 22 1. As an alternative to the substance abuse coverage required under subsection 2 of
23 section 26.1-36-08, an insurance company, a nonprofit health service corporation,
24 or a health maintenance organization may provide substance abuse coverage
25 under this section.
- 26 2. The provisions of section 26.1-36-08 apply to this alternative, except:
- 27 a. In addition to the inpatient treatment, treatment by partial hospitalization, and
28 outpatient treatment coverage required under section 26.1-36-08, the
29 coverage must include residential treatment.

- 1 b. In the case of coverage for inpatient treatment, the benefits must be provided
2 for a minimum of forty-five days of services covered under this section and
3 section 26.1-36-09 in any calendar year.
- 4 c. For the purpose of computing the period for which benefits are payable for a
5 combination of inpatient and partial hospitalization, no more than twenty-three
6 days of inpatient treatment benefits required under subdivision a may be
7 traded for treatment by partial hospitalization.
- 8 d. In the case of coverage for residential treatment, the benefits must be
9 provided for a minimum of sixty days of services covered under this section in
10 any calendar year. This residential treatment must be provided by an
11 addiction treatment program licensed under chapter 50-31. If an individual
12 receiving residential treatment services requires more than sixty days of
13 residential treatment services, unused inpatient treatment benefits provided
14 for under subdivision b may be traded for residential treatment benefits. For
15 the purpose of computing the period for which benefits are payable, each day
16 of inpatient treatment is equivalent to two days of treatment by a residential
17 treatment program, provided that no more than twenty-three days of inpatient
18 treatment benefits required by this section may be traded for residential
19 treatment benefits required under this section.