Fifty-ninth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2005

HOUSE BILL NO. 1208 (Representatives Carlson, Horter, Price) (Senators Brown, Fischer, J. Lee)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

S	Speaker of the House Chief Clerk of the House					President of the Senate Secretary of the Senate		
C								
								the Fifty-ninth Louis Bill No. 1208.
House Vote:	Yeas	S	94	Nays	0	Absent	0	
Senate Vote:	Yeas	S	34	Nays	11	Absent	2	
Received by the Governor at M. on Approved at M. on								
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Filed in this office this day of					f			, 2005,
at	o'clock		M.					
						Secre	tary of State	