

1 AN ACT relating to the psychiatric collaborative care model.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 304.17A-660 TO
4 304.17A-669 IS CREATED TO READ AS FOLLOWS:

5 (1) (a) As used in this section, "psychiatric collaborative care model":

6 1. Means the evidence-based, integrated behavioral health service
7 delivery method described in 81 Fed. Reg. 80230 (November 15,
8 2016); and

9 2. Includes services that are billed under:

10 a. Except as provided in paragraph (b) of this subsection, the
11 following Current Procedural Terminology billing codes
12 maintained by the American Medical Association:

13 i. 99492;

14 ii. 99493; and

15 iii. 99494; and

16 b. Any other Current Procedural Terminology billing codes
17 maintained by the American Medical Association that are used
18 for the evidence-based, integrated behavioral health service
19 delivery method described in 81 Fed. Reg. 80230 (November 15,
20 2016).

21 (b) The commissioner shall promulgate and maintain an administrative
22 regulation in accordance with KRS Chapter 13A that lists any:

23 1. Alterations to the billing codes set forth in paragraph (a)2.a. of this
24 subsection; and

25 2. Other billing codes that satisfy the requirements of paragraph (a)2.b.
26 of this subsection.

27 (2) Except as provided in subsection (3) of this section, all health benefit plans that

1 provide coverage for treatment of a mental health condition shall provide
2 reimbursement for those benefits that are delivered through the psychiatric
3 collaborative care model.

4 (3) An insurer may deny reimbursement under a health benefit plan that provides
5 coverage for treatment of a mental health condition for any benefit billed under a
6 billing code referenced in subsection (1)(a)2. of this section on the grounds of
7 medical necessity, if the medical necessity determination is:

8 (a) In compliance with the Paul Wellstone and Pete Domenici Mental Health
9 Parity and Addiction Equity Act of 2008, codified at 42 U.S.C. sec. 300gg-
10 26, as amended, and any related federal regulations, as amended; and

11 (b) Made in accordance with any applicable utilization review requirements set
12 forth in this subtitle, including but not limited to KRS 304.17A-600 to
13 304.17A-633.

14 ➔Section 2. This Act applies to health benefit plans issued, delivered, or renewed
15 on or after January 1, 2027.

16 ➔Section 3. If it is determined that the application of any requirement of Section
17 1 of this Act is in addition to the essential health benefits required under federal law, then
18 the Department of Insurance shall, within 180 days of the effective date of this section,
19 apply for a waiver under 42 U.S.C. sec. 18052, as amended, or any other applicable
20 federal law, of all or any of the cost defrayal requirements under 42 U.S.C. sec.
21 18031(d)(3), as amended, and 45 C.F.R. sec. 155.170, as amended.