

A POLICY OR CONTRACT SUBJECT TO THIS SECTION MAY NOT DISCRIMINATE AGAINST AN INDIVIDUAL WITH A MENTAL ILLNESS, EMOTIONAL DISORDER, DRUG ABUSE DISORDER, OR ALCOHOL ABUSE DISORDER BY FAILING TO PROVIDE BENEFITS FOR THE DIAGNOSIS AND TREATMENT OF THESE ILLNESSES UNDER THE SAME TERMS AND CONDITIONS THAT APPLY UNDER THE POLICY OR CONTRACT FOR THE DIAGNOSIS AND TREATMENT OF PHYSICAL ILLNESSES.

(D) WHEN COVERAGE NOT DISCRIMINATORY.

IT IS NOT DISCRIMINATORY UNDER SUBSECTION (C) OF THIS SECTION IF AT LEAST THE FOLLOWING BENEFITS ARE PROVIDED:

(1) WITH RESPECT TO INPATIENT BENEFITS FOR SERVICES PROVIDED IN A LICENSED OR CERTIFIED FACILITY, INCLUDING HOSPITAL INPATIENT BENEFITS, THE TOTAL NUMBER OF DAYS FOR WHICH BENEFITS ARE PAYABLE AND THE TERMS AND CONDITIONS THAT APPLY TO THOSE BENEFITS ARE AT LEAST EQUAL TO THOSE THAT APPLY TO THE BENEFITS AVAILABLE UNDER THE POLICY OR CONTRACT FOR PHYSICAL ILLNESSES;

(2) SUBJECT TO SUBSECTION (G) OF THIS SECTION, WITH RESPECT TO BENEFITS FOR PARTIAL HOSPITALIZATION, AT LEAST 60 DAYS OF PARTIAL HOSPITALIZATION ARE COVERED UNDER THE SAME TERMS AND CONDITIONS THAT APPLY TO THE BENEFITS AVAILABLE UNDER THE POLICY OR CONTRACT FOR PHYSICAL ILLNESSES; AND

(3) WITH RESPECT TO OUTPATIENT COVERAGE, OTHER THAN FOR INPATIENT OR PARTIAL HOSPITALIZATION SERVICES, BENEFITS FOR COVERED EXPENSES ARISING FROM SERVICES PROVIDED TO TREAT MENTAL ILLNESSES, EMOTIONAL DISORDERS, DRUG ABUSE, OR ALCOHOL ABUSE ARE AT A RATE THAT, AFTER THE APPLICABLE DEDUCTIBLE, IS NOT LESS THAN:

(I) 80% FOR THE FIRST FIVE VISITS IN A CALENDAR YEAR OR BENEFIT PERIOD OF NOT MORE THAN 12 MONTHS;

(II) 65% FOR THE 6TH THROUGH 30TH VISIT IN A CALENDAR YEAR OR BENEFIT PERIOD OF NOT MORE THAN 12 MONTHS; AND

(III) 50% FOR THE 31ST VISIT AND ANY SUBSEQUENT VISIT IN A CALENDAR YEAR OR BENEFIT PERIOD OF NOT MORE THAN 12 MONTHS.

(E) SCOPE AND NATURE OF BENEFITS.

(1) THE BENEFITS UNDER THIS SECTION ARE REQUIRED ONLY FOR EXPENSES ARISING FROM THE TREATMENT OF MENTAL ILLNESSES, EMOTIONAL DISORDERS, DRUG ABUSE, OR ALCOHOL ABUSE IF, IN THE PROFESSIONAL JUDGMENT OF HEALTH CARE PROVIDERS:

(I) THE MENTAL ILLNESS, EMOTIONAL DISORDER, DRUG ABUSE, OR ALCOHOL ABUSE IS TREATABLE; AND

(II) THE TREATMENT IS MEDICALLY NECESSARY.

(2) THE BENEFITS REQUIRED UNDER THIS SECTION: