

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

652A0433

SENATE BILL NO. 195

Introduced by: Senators Everist and Dunn (Rebecca) and Representatives Fischer-Clemens,
Jorgensen, Lucas, Moore, and Schaunaman

1 FOR AN ACT ENTITLED, An Act to require an offer of insurance coverage for the diagnosis
2 and treatment of biologically-based mental illness.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Every policy of health insurance that is delivered, issued for delivery, or renewed in this state,
7 except for policies that provide coverage for specified disease or other limited benefit coverage,
8 shall offer, in writing, coverage for the treatment and diagnosis of biologically-based mental
9 illnesses that is subject to the same dollar limits, deductibles, and coinsurance factors as for other
10 physical illnesses.

11 As used in this section, biologically-based mental illness means any mental illness which
12 current medical research affirms is caused by a neurobiological disorder of the brain and which
13 substantially impairs perception, cognitive function, judgment, and emotional stability and which
14 limits the life activities of the person with the illness. The term includes schizophrenia; schizo
15 affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder,

1 and other anxiety disorders which cause significant impairment of function; and other disorders
2 proven to be biologically-based mental illnesses.

3 Section 2. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Every group health insurance policy that is delivered, issued for delivery, or renewed in this
6 state, except for policies that provide coverage for specified disease or other limited benefit
7 coverage, shall offer, in writing, coverage for the treatment and diagnosis of biologically-based
8 mental illnesses that is subject to the same dollar limits, deductibles, and coinsurance factors as
9 for other physical illnesses.

10 As used in this section, biologically-based mental illness means any mental illness which
11 current medical research affirms is caused by a neurobiological disorder of the brain and which
12 substantially impairs perception, cognitive function, judgment, and emotional stability and which
13 limits the life activities of the person with the illness. The term includes schizophrenia; schizo
14 affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder,
15 and other anxiety disorders which cause significant impairment of function; and other disorders
16 proven to be biologically-based mental illnesses.

17 Section 3. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Every service or indemnity-type contract issued by a nonprofit medical and surgical service
20 plan corporation that is delivered, issued for delivery, or renewed in this state, except for policies
21 that provide coverage for specified disease or other limited benefit coverage, shall offer, in
22 writing, coverage for the treatment and diagnosis of biologically-based mental illnesses that is
23 subject to the same dollar limits, deductibles, and coinsurance factors as for other physical
24 illnesses.

25 As used in this section, biologically-based mental illness means any mental illness which

1 current medical research affirms is caused by a neurobiological disorder of the brain and which
2 substantially impairs perception, cognitive function, judgment, and emotional stability and which
3 limits the life activities of the person with the illness. The term includes schizophrenia; schizo
4 affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder,
5 and other anxiety disorders which cause significant impairment of function; and other disorders
6 proven to be biologically-based mental illnesses.

7 Section 4. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 Every service or indemnity-type contract issued by a nonprofit hospital service plan
10 corporation that is delivered, issued for delivery, or renewed in this state, except for policies that
11 provide coverage for specified disease or other limited benefit coverage, shall offer, in writing,
12 coverage for the treatment and diagnosis of biologically-based mental illnesses that is subject to
13 the same dollar limits, deductibles, and coinsurance factors as for other physical illnesses.

14 As used in this section, biologically-based mental illness means any mental illness which
15 current medical research affirms is caused by a neurobiological disorder of the brain and which
16 substantially impairs perception, cognitive function, judgment, and emotional stability and which
17 limits the life activities of the person with the illness. The term includes schizophrenia; schizo
18 affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder,
19 and other anxiety disorders which cause significant impairment of function; and other disorders
20 proven to be biologically-based mental illnesses.

21 Section 5. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 Every health maintenance contract that is delivered, issued for delivery, or renewed in this
24 state, except for policies that provide coverage for specified disease or other limited benefit
25 coverage, shall offer, in writing, coverage for the treatment and diagnosis of biologically-based

1 mental illnesses that is subject to the same dollar limits, deductibles, and coinsurance factors as
2 for other physical illnesses.

3 As used in this section, biologically-based mental illness means any mental illness which
4 current medical research affirms is caused by a neurobiological disorder of the brain and which
5 substantially impairs perception, cognitive function, judgment, and emotional stability and which
6 limits the life activities of the person with the illness. The term includes schizophrenia; schizo
7 affective disorder; bipolar affective disorder; major depression; obsessive-compulsive disorder,
8 and other anxiety disorders which cause significant impairment of function; and other disorders
9 proven to be biologically-based mental illnesses.