

22 GCA BUSINESS REGULATIONS  
CH. 28 PARITY IN HEALTH INSURANCE FOR MENTAL  
ILLNESS AND CHEMICAL DEPENDENCY

**CHAPTER 28**  
**PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS**  
**AND CHEMICAL DEPENDENCY**

**SOURCE:** This Chapter was added by P.L. 24-303:2.

- § 28101. Standard Health Plan to Equally Provide for Treatment of Mental Illness and Chemical Dependency.
- § 28102. Coverage For Chemical Dependency Treatment.
- § 28103. No Discrimination Against the Mentally Ill and Chemically Dependent.

**§ 28101. Standard Health Plan to Equally Provide for Treatment of Mental Illness and Chemical Dependency.**

A standard health plan developed and approved under Guam law shall provide coverage for the treatment of chemical dependency and mental illness that is at least equal to the basic coverage offered.

**§ 28102. Coverage for Chemical Dependency Treatment.**

(a) As used in this Section, the term 'chemical dependency' means the pathological use or abuse of alcohol or other drugs in a manner, or to a degree, that produces an impairment in personal, social or occupational functioning and which may, but need not, include a pattern of tolerance and withdrawal.

(b) Every insurer that writes a policy or contract of group or blanket health insurance or group or blanket accident and health insurance that is issued, renewed or amended on or after January 1, 1999, shall offer to provide to its insureds benefits for the necessary care and treatment of chemical dependency that are not less favorable than benefits for physical illness generally. *Except* as provided in Subsection (c) of this Section, benefits for treatment of chemical dependency shall be subject to the same durational limits, dollar limits, deductibles and coinsurance factors as are benefits for physical illness generally.

(c) Every group policy or group contract of insurance that provides benefits for chemical dependency treatment *and* that provides total annual benefits for all illnesses in excess of Eight Thousand Dollars (\$8,000.00) is subject to the following conditions:

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(1) the policy or contract shall provide, for each twelve (12) month period, a minimum benefit of Eight Thousand Dollars (\$8,000.00) for the necessary care and treatment of chemical dependency; *and*

(2) the policy or contract shall provide a minimum benefit of Sixteen Thousand Dollars (\$16,000.00) for the necessary care and treatment of chemical dependency for the life of the policy or contract.

(d) Provisions for benefits for necessary care and treatment of chemical dependency in group policies or group contracts of insurance shall provide benefit payments for the following providers of necessary care and treatment of chemical dependency:

(1) Units of a general hospital:

- a. chemical dependency units in facilities;
- b. medical units;
- c. psychiatric units; *and*

(2) The following facilities or programs:

- a. chemical dependency units in psychiatric hospitals;
- b. chemical dependency hospitals;
- c. residential chemical dependency treatment facilities;
- d. social setting detoxification facilities or programs;
- e. medical detoxification or programs; *and*

(3) duly licensed physicians and duly licensed practicing psychologists and certified professionals working under the direct supervision of such physicians or psychologists in facilities described in Items (1) and (2) above, and in day/night programs or outpatient treatment facilities.

Provided, however, that nothing in this Subsection shall prohibit any policy or contract of insurance from requiring the most cost effective treatment setting to be utilized by the person undergoing necessary care and treatment for chemical dependency.

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(e) Coverage for chemical dependency treatment as described in this Section shall *not* be applicable to any group policy holder or group contract holder who rejects the coverage in writing.

**§ 28103. No Discrimination Against the Mentally Ill and Chemically Dependent.**

(a) As used in this Section, the term:

(1) *Mental illness* has the same meaning as defined in §86102 of Title 10 of the Guam Code Annotated; *and*

(2) *Chemical dependency* has the same meaning as defined in Substance-Related Disorders, a diagnosis found in the Diagnostic and Statistical Manual of Mental Disorders DSM-IV, or any subsequent edition of this manual.

(b) No insurance company licensed on Guam shall, solely because an individual to be insured has or had a mental illness or chemical dependency:

(1) refuse to issue or deliver to that individual any policy that affords benefits or coverages for any medical treatment or service for physical illness or injury;

(2) have a higher premium rate or charge for physical illness or injury coverages or benefits for that individual; *or*

(3) reduce physical illness or injury coverages or benefits for that individual.

(c) Every insurer that writes a policy or contract of group or blanket health insurance or group or blanket accident and health insurance that is issued, renewed or amended on or after January 1, 1999, shall provide to its insureds benefits for the necessary care and treatment of mental illness that are *not* less favorable than benefits for physical illness generally. Benefits for treatment of mental illness shall be subject to the same durational limits, dollar limits, deductibles and coinsurance factors as are benefits for physical illness generally.

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