

Figure: 28 TAC §21.2408(c)(5)(B)

Example 1

Facts. A group health plan imposes a combined annual \$500 deductible on all medical/surgical, mental health, and substance use disorder benefits.

Conclusion. In this example, the combined annual deductible complies with the requirements of this paragraph.

Example 2

Facts. A plan imposes an annual \$250 deductible on all medical/surgical benefits and a separate annual \$250 deductible on all mental health and substance use disorder benefits.

Conclusion. In this example, the separate annual deductible on mental health and substance use disorder benefits violates the requirements of this paragraph.

Example 3

Facts. A plan imposes an annual \$300 deductible on all medical/surgical benefits and a separate annual \$100 deductible on all mental health or substance use disorder benefits.

Conclusion. In this example, the separate annual deductible on mental health and substance use disorder benefits violates the requirements of this paragraph.

Example 4

Facts. A plan generally imposes a combined annual \$500 deductible on all benefits (both medical/surgical benefits and mental health and substance use disorder benefits) except prescription drugs. Certain benefits, such as preventive care, are provided without regard to the deductible. The imposition of other types of financial requirements or treatment limitations varies with each classification. Using reasonable methods, the plan projects its payments for medical/surgical benefits in each classification for the upcoming year as follows:

Classification	Benefits subject to deductible	Total benefits	Percent subject to deductible
Inpatient, in-network	\$1,800x	\$2,000x	90%
Inpatient, out-of-network	\$1,000x	\$1,000x	100%
Outpatient, in-network	\$1,400x	\$2,000x	70%
Outpatient, out-of-network	\$1,880x	\$2,000x	94%
Emergency care	\$300x	\$500x	60%

Conclusion. In this example, the two-thirds threshold of the substantially all standard is met with respect to each classification except emergency care because, in each of those other classifications, at least two-thirds of medical/surgical benefits are subject to the \$500 deductible. Moreover, the \$500 deductible is the predominant level

in each of those other classifications because it is the only level. However, emergency care mental health and substance use disorder benefits cannot be subject to the \$500 deductible because it does not apply to substantially all emergency care medical/surgical benefits.