

**129th MAINE LEGISLATURE**

**First REGULAR SESSION-2019**

# Legislative Document No. XXXX

S.P. XXX In Senate, January \_\_, 2019

# An Act To Amend the Mental Health Insurance Coverage Laws

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.



HEATHER J.R. PRIEST

Secretary of the Senate

Presented by Senator \_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. **24**-**A MRSA §238** is enacted to read:

1. The superintendent shall implement and enforce applicable provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, and any amendments to, and any federal guidance or regulations relevant to, that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3), which includes:

A. Proactively ensuring compliance by insurers, health maintenance organizations, and nonprofit hospital or medical service organizations that execute, deliver, issue for delivery, continue or renew individual and group policies or individual and group health care contracts;

B. Evaluating all consumer or provider complaints regarding mental illness and substance abuse-related disorder coverage for possible parity violations;

C. Performing parity compliance market conduct examinations of insurers, health maintenance organizations, and nonprofit hospital or medical service organizations that execute, deliver, issue for delivery, continue or renew individual and group policies or individual and group health care contracts, particularly market conduct examinations that focus on nonquantitative treatment limitations such as prior authorization, concurrent review, retrospective review, step-therapy, network admission standards, reimbursement rates, and geographic restrictions, among other nonquantitative treatment limitations;

D. Requesting that insurers, health maintenance organizations, and nonprofit hospital or medical service organizations submit comparative analyses during the form review process demonstrating how they design and apply nonquantitative treatment limitations, both as written and in operation, for mental illness and substance abuse-related disorder benefits as compared to how they design and apply nonquantitative treatment limitations, as written and in operation, for medical and surgical benefits; and

E. The superintendent may adopt rules, as authorized under section 212 or this Title, as may be necessary to effectuate any provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 that relate to the business of insurance.

2. Not later than March 1st, 2020, the superintendent shall issue a report and educational presentation to the Legislature, which shall contain the following:

A. Cover the methodology the superintendent is using to check for compliance with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), and any federal regulations or guidance relating to the compliance and oversight of MHPAEA;

B. Cover the methodology the superintendent is using to check for compliance with sections 2749-C, 2843, 4234, and 2842 of this Title and sections 2325-A and 2329 of Title 24;

C. Identify market conduct examinations conducted or completed during the preceding 12-month period regarding compliance with parity in mental illness and substance abuse-related disorder benefits under state and federal laws and summarize the results of such market conduct examinations;

D. Detail any educational or corrective actions the superintendent has taken to ensure insurer compliance with MHPAEA and sections 2749-C, 2843, 4234, and 2842 of this Title and sections 2325-A and 2329 of Title 24; and

E. The report must be written in non-technical, readily understandable language and shall be made available to the public by, among such other means as the superintendent finds appropriate, posting the report on the Internet website of the Bureau of Insurance.

**Sec. 2. Application.** The requirements of this Act apply to all insurers, health maintenance organizations, and nonprofit hospital or medical service organizations that execute, deliver, issue for delivery, continue or renew individual and group policies, contracts and certificates in this State on or after January, 2019.

**Summary**

This bill specifies how the Superintendent of Insurance may enforce parity requirements and stipulates parity reporting requirements for the Superintendent.