House File XX

By NameA, NameB, NameC, NameD, NameE, NameF, Name G, NameH, NameI

**A BILL FOR**

An act relating to specifications for the Commissioner to implement MHPAEA, and MHPAEA reporting requirements for the Commissioner.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 514C.32 Commissioner parity enforcement and reporting requirements.

1. *a*. The Commissioner 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:

(2) Proactively ensuring compliance by carriers that issue individual and group policies, contracts, or plans providing for third-party payment or prepayment of health, medical, surgical, and mental illness or substance abuse coverage.

(3) Evaluating all consumer or provider complaints regarding mental illness or substance abuse coverage for possible parity violations.

(4) Performing parity compliance market conduct examinations of carriers that issue individual and group policies, contracts, or plans providing for third-party payment or prepayment of health, medical, surgical, and mental illness or substance abuse coverage, 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.

(5) Requesting that carriers 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 or substance abuse benefits as compared to how they design and apply nonquantitative treatment limitations, as written and in operation, for medical and surgical benefits.

(6) The Commissioner may adopt rules 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.

*b.* Not later than January 31st, 2020 the Commissioner shall issue a report and provide an educational presentation to the Legislature; such report and presentation shall:

(1) Cover the methodology the Commissioner 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.

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

(3) Detail any educational or corrective actions the Commissioner has taken to ensure carrier compliance with MHPAEA and relevant section(s) of state law.

(4) 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 Commissioner finds appropriate, posting the report on the website of Insurance Division.