**As Introduced**

**133rd General Assembly**

**Regular Session S.B N.O. XXX**

**2019-2020**

**Senators \_\_\_\_\_, \_\_\_\_\_\_**

**Cosponsors: Senators \_\_\_\_\_\_, \_\_\_\_\_\_, \_\_\_\_\_\_, \_\_\_\_\_\_, \_\_\_\_\_\_\_\_**

**A BILL**

To enact sections 3923.283 of the Revised Code to provide parity transparency and accountability.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

 **Section 1.** That section 3923.283 of the Revised Code be enacted to read as follows:

 **Sec. 3923.283.** (A) The superintendent of insurance 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:

(1) Proactively ensuring compliance by each insurer that issues, delivers, or renews any individual or group accident and sickness policy that provides coverage for mental or emotional disorders or alcohol and drug abuse or addiction.

(2) Evaluating all consumer or provider complaints regarding mental or emotional disorder or alcohol and drug abuse or addiction coverage for possible parity violations.

(3) Performing parity compliance market conduct examinations of insurers that issue, deliver, or renew individual or group accident and sickness policies that provide coverage for mental or emotional disorders or alcohol and drug abuse or addiction, 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.

(4) Requesting that insurers 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 or emotional disorder or alcohol and drug abuse or addiction benefits as compared to how they design and apply nonquantitative treatment limitations, as written and in operation, for medical and surgical benefits.

(5) The superintendent of insurance may adopt rules, under 3901.041, 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 March 1, 2020, the superintendent of insurance shall issue a report and educational presentation to the Legislature, which shall:

(1) Cover the methodology the superintendent of insurance 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 or emotional disorder or alcohol and drug abuse or addiction benefits under state and federal laws and summarize the results of such market conduct examinations.

(3) Detail any educational or corrective actions the superintendent of insurance has taken to ensure insurer compliance with MHPAEA.

(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 superintendent of insurance finds appropriate, posting the report on the Internet website of the department of insurance.