**HOUSE BILL No. XXXX**

January 19, 2019, Introduced by Reps. \_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_ and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled

"The insurance code of 1956,"

(MCL 500.100 to 500.8302) by adding section 3406u.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

 **SEC. 3406U. (1) AN INSURER THAT DELIVERS, ISSUES FOR DELIVERY, OR RENEWS IN THIS STATE AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE AND A HEALTH MAINTENANCE ORGANIZATION THAT ISSUES OR RENEWS A GROUP OR INDIVIDUAL CONTRACT SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSIONER ON OR BEFORE MARCH 1 THAT CONTAINS THE FOLLOWING INFORMATION:**

 **(A) A DESCRIPTION OF THE PROCESS USED TO DEVELOP OR SELECT THE MEDICAL NECESSITY CRITERIA FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND THE PROCESS USED TO DEVELOP OR SELECT THE MEDICAL NECESSITY CRITERIA FOR MEDICAL AND SURGICAL BENEFITS.**

 **(B) IDENTIFICATION OF ALL NONQUANTITATIVE TREATMENT LIMITATIONS (NQTLS) THAT ARE APPLIED TO BOTH MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL SURGICAL BENEFITS WITHIN EACH CLASSIFICATION OF BENEFITS; THERE MAY BE NO SEPARATE NQTLS THAT APPLY TO MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS BUT DO NOT APPLY TO MEDICAL AND SURGICAL BENEFITS WITHIN ANY CLASSIFICATION OF BENEFITS.**

 **(C) THE RESULTS OF AN ANALYSIS THAT DEMONSTRATES THAT FOR THE MEDICAL NECESSITY CRITERIA DESCRIBED IN PARAGRAPH (A) AND FOR EACH NQTL IDENTIFIED IN PARAGRAPH (B), AS WRITTEN AND IN OPERATION, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING THE MEDICAL NECESSITY CRITERIA AND EACH NQTL TO MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS WITHIN EACH CLASSIFICATION OF BENEFITS ARE COMPARABLE TO, AND ARE APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING THE MEDICAL NECESSITY CRITERIA AND EACH NQTL TO MEDICAL AND SURGICAL BENEFITS WITHIN THE CORRESPONDING CLASSIFICATION OF BENEFITS; AT A MINIMUM, THE RESULTS OF THE ANALYSIS SHALL:**

 **(*i*) IDENTIFY THE FACTORS USED TO DETERMINE THAT AN NQTL WILL APPLY TO A BENEFIT, INCLUDING FACTORS THAT WERE CONSIDERED BUT REJECTED.**

 **(*ii*) IDENTIFY AND DEFINE THE SPECIFIC EVIDENTIARY STANDARDS USED TO DEFINE THE FACTORS AND ANY OTHER EVIDENCE RELIED UPON IN DESIGNING EACH NQTL.**

 **(*iii*) PROVIDE THE COMPARATIVE ANALYSES, INCLUDING THE RESULTS OF THE ANALYSES, PERFORMED TO DETERMINE THAT THE PROCESSES AND STRATEGIES USED TO DESIGN EACH NQTL, AS WRITTEN, AND THE AS WRITTEN PROCESSES AND STRATEGIES USED TO APPLY THE NQTL TO MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS ARE COMPARABLE TO, AND ARE APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES AND STRATEGIES USED TO DESIGN EACH NQTL, AS WRITTEN, AND THE AS WRITTEN PROCESSES AND STRATEGIES USED TO APPLY THE NQTL TO MEDICAL AND SURGICAL BENEFITS.**

 **(*iv*) PROVIDE THE COMPARATIVE ANALYSES, INCLUDING THE RESULTS OF THE ANALYSES, PERFORMED TO DETERMINE THAT THE PROCESSES AND STRATEGIES**

**USED TO APPLY EACH NQTL, IN OPERATION, FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS ARE COMPARABLE TO, AND ARE APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES AND STRATEGIES USED TO APPLY EACH NQTL, IN OPERATION, FOR MEDICAL AND SURGICAL BENEFITS.**

 **(*v*) DISCLOSE THE SPECIFIC FINDINGS AND CONCLUSIONS REACHED BY THE INSURER OR HEALTH MAINTENANCE ORGANIZATION THAT THE RESULTS OF THE ANALYSES ABOVE INDICATE THAT THE INSURER OR HEALTH MAINTENANCE ORGANIZATION IS IN COMPLIANCE WITH THIS SECTION AND THE MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 AND ITS IMPLEMENTING AND RELATED REGULATIONS, WHICH INCLUDES 45 CFR 146.136, 45 CFR 147.160, AND 45 CFR 156.115(a)(3).**

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.