**HOUSE BILL XXX**

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

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FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH INSURANCE; PARITY IMPLEMENTATION SPECIFICATIONS FOR THE SUPERINTENDENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 59A, Article 2 NMSA 1978 is enacted to read:

"[NEW MATERIAL] PARITY IMPLEMENTATION REQUIREMENTS.--

A. 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), includes:

(1) Proactively ensuring compliance by each insurer, health maintenance organization, or corporation that delivers, issues for delivery, or renews an individual or group health insurance policy, health care plan, certificate of health insurance, contract or nonprofit health care plan or an insurer, health maintenance organization, or corporation that offers, issues or renews an individual or group health insurance policy, plan, certificate or coverage in connection with a health insurance policy, plan, certificate of health insurance, contract or nonprofit health care plan;

(2) Evaluating all consumer or provider complaints regarding mental health and substance use disorder coverage for possible parity violations;

(3) Performing parity compliance market conduct examinations of insurers, health maintenance organizations, or corporations that deliver, issue for delivery, or renew individual or group health insurance policies, health care plans, certificates of health insurance, contracts or nonprofit health care plans or insurers, health maintenance organizations, or corporations that offer, issue or renew individual or group health insurance policies, plans, certificates or coverage in connection with a health insurance policies, plans, certificates of health insurance, contracts or nonprofit health care plans, 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, health maintenance organizations, and corporations 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 health and substance use disorder benefits as compared to how they design and apply nonquantitative treatment limitations, as written and in operation, for medical and surgical benefits; and

(5) The superintendent may adopt rules, under section 9 of this Article, 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 31st, 2020, the superintendent shall issue a report and educational presentation to the Legislature that shall:

(1) 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;

(2) Cover the methodology the superintendent is using to check for compliance with 59A-23E-18 and 59A-23-6;

(3) Identify market conduct examinations conducted or completed during the preceding 12-month period regarding compliance with parity in mental health and substance use disorder benefits under state and federal laws and summarize the results of such market conduct examinations;

(4) Detail any educational or corrective actions the superintendent has taken to ensure compliance with MHPAEA and 59A-23E-18 and 59A-23-6; and

(5) 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 office of the superintendent of insurance.