**S.B. XXX**

SENATE BILL NO. XXX—SENATORS\_\_\_\_\_\_, \_\_\_\_\_\_\_, \_\_\_\_\_\_,

MARCH XX, 2019

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provision relating to health insurance (BDR XX-XXX)

FISCAL NOTE: Effect on Local Government: No

 Effect on State: May Have Fiscal Impact

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to insurance; specifications for the commissioner to implement the Mental Health Parity and Addiction Equity Act.

**Legislative Counsel’s Digest:**

 Existing law requires insurers or other organizations to comply with the Mental Health Parity and Addiction Equity Act (MHPAEA) of 2008 (NRS 687B.404). **Section 1** of this bill specifies how the Commissioner shall implement the Mental Health Parity and Addiction Equity Act and requires a report to the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

 ***1. 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:***

 ***(a) Proactively ensuring compliance by each insurer or other organization providing health coverage pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C or 695F of NRS;***

***(b) Evaluating all consumer or provider complaints regarding mental health or addiction coverage for possible parity violations;***

***(c) Performing parity compliance market conduct examinations of insurers or other organizations providing health coverage pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C or 695F of NRS, 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 or other organizations providing health coverage pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C or 695F of NRS 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 or addiction 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 Commissioner may adopt rules, as authorized under NRS 679B.130, 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 31st, 2020, the Commissioner shall issue a report and educational presentation to the Legislature, which shall:***

***(a) 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;***

***(b) Cover the methodology the Commissioner is using to check for compliance with 689A.0455, 689A.046, 689C.166, 689C.167, and 689C.169 of NRS;***

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

***(d) Detail any educational or corrective actions the Commissioner has taken to ensure insurer or other organization compliance with MHPAEA and 689A.0455, 689A.046, 689C.166, 689C.167, and 689C.169 of NRS; 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 Commissioner finds appropriate, posting the report on the Internet website of the Division of Insurance.***

**Sec. 2.** This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2020 for all other purposes.