HOUSE BILL NO. XXX

INTRODUCED BY:\_\_\_\_\_\_\_\_\_

A BILL FOR AN ACT ENTITLED: “AN ACT SPECIFYING PARITY IMPLEMENTATION REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATE.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Commissioner implementation.** (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 issuers that issue, modify, or renew individual or group health insurance coverage that provides mental health or substance use disorder benefits.

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

(c) Performing parity compliance market conduct examinations of issuers that issue, modify, or renew individual or group health insurance coverage that provides mental health or substance use disorder benefits 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 issuers 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.

(e) The commissioner may adopt rules to implement the provisions of this part.

(2) Not later than March 1, 2021, 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 this part.

(c) 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.

(d) Detail any educational or corrective actions the commissioner has taken to ensure issuer compliance with MHPAEA and this part

(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 Office of the Montana State Auditor.

NEW SECTION. **Section 2. Codification instruction.** Section 1 is intended to be codified as an integral part of Title 33, chapter 22, part 7.

NEW SECTION. **Section 3. Effective date -- applicability.** [This act] is effective on passage and applies to policies and plans offered or sold on or after [the effective date of this act].

- END -