



State Parity Legislative and Regulatory Compliance Workgroup

May 12, 2021

Agenda

- **Federal Update – GAO Report**
- **State Bill Updates**

U.S. GAO Report on Parity

- Senate Finance Chairman Ron Wyden requested report on MHSUD parity compliance
- Found increased need for MH/SUD services during the pandemic
- Continued problems with reimbursement during the pandemic (continuation of pre-pandemic issues)
- Poor claims data to assess ongoing issues.

<https://www.gao.gov/assets/gao-21-437r.pdf>

Colorado

HB 21-1068

- **Status:** Passed House Committee on Health & Insurance 12-0, May 5, 2021
- **Sponsor:** Dafna Michaelson Jenet (D), Brianna Titone (D), Dominick Moreno (D)
- **Summary:**
 - Requires coverage of an annual mental health wellness examination of up to 60 minutes, performed by a qualified mental health care provider.
 - Coverage of the exam must:
 - Be comparable to the coverage of a physical exam;
 - Comply with federal parity laws; and
 - Not require any deductibles, copayments, or coinsurance.
 - Amendment has effective date for large group plans of 1/1/22, but for small group / individual plans of 1/1/23. Requires actuarial study to determine any effect on premiums.

<https://leg.colorado.gov/bills/hb21-1068>



Florida

HB 701

- **Status:** Passed House 117-1 on 4/15/21, Passed Senate 40-0 on 4/21/21
- **Sponsor:** Rep. Stevenson (R)
- **Summary:**
 - Very similar to SB 1024, with slight differences.
 - Establishes a system for tracking and monitoring complaints made regarding coverage and access to behavioral health services.
 - Requires Department of Financial Services and Agency for Healthcare Administration submit a report containing complaints made by insureds to the Governor and Legislature.

<https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h0701 .docx&DocumentType=Bill&BillNumber=0701&Session=2021>

Illinois

HB 2595 / SB 697

- **Status:** HB2595 passed the House on 4/22/21
- **Sponsor:** Rep. Deb Conroy (D) / Sen. Laura Fine (D) -- over 35 cosponsors on bills
- **Summary:**
 - Contains provisions from the Ramstad State Model Bill;
 - Requires insurers to provide coverage for the diagnosis and medically necessary treatment of mental health and substance use disorders, as defined by the most recent edition of the ICD or DSM.
 - Defines "medically necessary" and mandates that plan medical necessity determinations be consistent with Generally Accepted Standards of Care.
 - Requires the use of non-profit clinical specialty association criteria for level of care determinations (e.g. LOCUS).
 - Prohibits an insurer from limiting benefits or coverage to short-term or acute treatment.

<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=2595&GAID=16&DocTypeID=HB&LegId=131415&SessionID=110&GA=102>

Illinois

SB 471

- **Status:** Passed Senate 58-0 on 4/23/21
- **Sponsor:** Laura Fine (D)
- **Summary:**
 - Puts in place timely and proximate access to treatment for mental, emotional, nervous, or substance use disorders or conditions
 - Metro Chicago – Not longer than 30 miles or minutes
 - Outside metro Chicago – Not longer than 60 miles or minutes
 - 10 business days for initial appointments; 20 days for follow-up appts
 - Requires insurers to provide exceptions to its network if in-network services cannot provide timely access to treatment.

<https://www.ilga.gov/legislation/billstatus.asp?DocNum=471&GAID=16&GA=102&DocTypeID=SB&LeglD=132865&SessionID=110>



Georgia

SB 80

- **Status:** Signed by Governor 5/10/21
- **31 sponsors**
- **Summary:**
 - Comprehensive rules relating to prior authorization for all health care services (including MH/SUD)
 - Important provision that if insurers do not abide by rules, claim will be automatically authorized.

<https://www.legis.ga.gov/legislation/59240>

Missouri

HB 889

- **Status:** Passed 15-0 Health and Mental Health Policy Committee on 4/22/21
- **Sponsor:** Rep. Patty Lewis (D)
- **Summary:**
 - Requires health insurers to comply with MHPAEA.
 - Gives Director the power to enforce and promulgate regulations.

<https://www.house.mo.gov/Bill.aspx?bill=HB889&year=2021&code=R>

Montana

SB 216

- **Status:** Signed by Governor 4/30/21
- **Sponsor:** Mark Blasdel (R), Jason Small (R)
- **Summary:**
 - Aligns with KF / APA Model Parity Reporting Bill.
 - Requires health insurers to submit an annual compliance report.
 - Uses new provisions of Federal Law.
 - Makes effective date contingent on regulators or guidance relating to federal Consolidated Appropriations Act.

[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TY P_CD=SB&P_BILL_NO=216&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TY P_CD=SB&P_BILL_NO=216&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)

Montana

SB 217

- **Status:** Signed by Governor 4/22/21
- **Sponsor:** Mark Blasdel (R), Jason Small (R)
- **Summary:**
 - Requires coverage of services provided through the psychiatric collaborative care model.

[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TY P_CD=SB&P_BILL_NO=217&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TY P_CD=SB&P_BILL_NO=217&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)

Nevada

AB 181

- **Status:** Passed Assembly 26-16 on 4/19/21
- **Sponsor:** Sarah Peters (D)
- **Summary:**
 - Requires compliance with MHPAEA.
 - Requires certain health facilities report certain information related to suicide.
 - Requires annual health plan reporting in manner aligning with KF / APA Model Bill.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7551/Overview>

Nevada

SB 139

- **Status:** Passed Committee on Commerce and Labor on 4/19/21
- **Sponsor:** Melanie Scheible (D), Dallas Harris (D)
- **Summary:**
 - Require health insurance and health care plans, including Medicaid, to cover the treatment of conditions relating to gender dysphoria, gender incongruence, and other related disorders of sexual development.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7515/Overview>

Oklahoma

SB 674

- **Status:** Signed by Governor 5/5/21
- **Sponsor:** Sen. McCortney (R)
- **Summary:**
 - Requires telehealth coverage;
 - Cannot exclude services solely because provided via telehealth for services appropriately provided through telemedicine;
 - Require reimbursement parity with in-person services;
 - No separate / additional cost-sharing or lifetime/annual limits;
 - Cannot restrict to particular vendor;
 - No additional utilization review for telehealth services.

<http://www.oklegislature.gov/BillInfo.aspx?Bill=SB674&Session=2100>

Oregon

HB 3046

- **Status:** Passed Behavioral Health Committee 9-0 on 4/12/21
- **Sponsor:** Rob Nosse (D)
- **Summary:**
 - Aligns with Ramstad state model bill;
 - Applies to both commercial and Medicaid plans;
 - Requires compliance with 8 Generally Accepted Standards of Care (identified in Wit);
 - Puts in place definition of medical necessity;
 - Prohibits limiting coverage to short-term treatment;
 - Puts in place requirements relating to utilization review criteria

<https://olis.leg.state.or.us/liz/2021r1/Measures/Overview/HB3046>

Rhode Island

HB 6268

- **Status:** Introduced, April 28, 2021
- **Sponsor:** Reps. Tanzi, Cortvriend, Alzate
- **Summary:**
 - Requires increase in BH reimbursement rates of 23.4% over five years.
 - Applies to both commercial and Medicaid plans.
 - Senate version of this bill (SB 591) appears to have been tabled.

<http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6268.pdf>

Tennessee

SB 151

- **Status:** Signed by Governor 4/28/21
- **Sponsor:** Senator Briggs (R)
- **Summary:**
 - Requires TN Dept. of Commerce and Insurance to request from U.S. DOL and HHS parity compliance analyses from fully-insured Tennessee plans and incorporate these analyses into TDCI's annual report to the legislature.
 - Requires TDCI to list all plans sold in the state over which it has authority.

<https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0151>

Texas

HB 2595

- **Status:** Passed House 122-24 on 5/6/21
- **Sponsor:** Four Price (R)
- **Summary:**
 - Requires the commissioner shall:
 - Develop a parity complaint portal to be used by enrollees for any suspected violations;
 - Develop educational materials and parity law training; and
 - Make materials available to all insurers and enrollees.
 - Designates October as MH condition and SUD Parity Awareness Month.

<https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=HB2595>

Washington

HB 1086

- **Status:** Sent to Governor 4/20/21
- **Sponsor:** Tarra Simmons (D)
- **Summary:**
 - Creates a state office of behavioral health consumer advocacy, responsible for:
 - Coordinating activities of advocates throughout the state;
 - Establishing a toll-free telephone number and website for access to services;
 - Establishing a statewide reporting system;
 - Monitoring the implementation of new policies; and
 - Reporting all complaints or quality of services to legislature.

<https://app.leg.wa.gov/billssummary?BillNumber=1086&Year=2021&Initiative=false>