

Committee Report

REGULAR CALENDAR

June 5, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Commerce and
Consumer Affairs to which was referred SB 272-FN,**

**AN ACT relative to mental health parity under the
insurance laws. Having considered the same, report the
same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Kermit Williams

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Commerce and Consumer Affairs
Bill Number:	SB 272-FN
Title:	relative to mental health parity under the insurance laws.
Date:	June 5, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-2139h

STATEMENT OF INTENT

This bill authorizes the Insurance Commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance. The act requires that health insurers to provide the same benefits for mental health services that they provide for physical health services, without additional limits to copays or number of visits. The committee supports the bill as an important issue. The amendment deals with another important issue, fair reimbursement for auto body shops from insurance companies. The text of this amendment comes from HB 664, which passed the House by a wide margin earlier this year. Since the fate of HB 664 in the other body is unclear, the committee decided to combine these two issues to emphasize their importance and try to move them both forward.

Vote 14-5.

Rep. Kermit Williams
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

SB 272-FN, relative to mental health parity under the insurance laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Kermit Williams for the **Majority** of Commerce and Consumer Affairs. This bill authorizes the Insurance Commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance. The act requires that health insurers to provide the same benefits for mental health services that they provide for physical health services, without additional limits to copays or number of visits. The committee supports the bill as an important issue. The amendment deals with another important issue, fair reimbursement for auto body shops from insurance companies. The text of this amendment comes from HB 664, which passed the House by a wide margin earlier this year. Since the fate of HB 664 in the other body is unclear, the committee decided to combine these two issues to emphasize their importance and try to move them both forward. **Vote 14-5.**

Original: House Clerk

Cc: Committee Bill File

SB 272-FN, relative to mental health parity under the insurance laws. OUGHT TO PASS WITH AMENDMENT.

Kermit Williams for Commerce and Consumer Affairs. This bill authorizes the insurance commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance. The act requires that health insurers provide the same benefits for mental health services that they provide for physical health services, without additional limits to copays or number of visits. The committee supports the bill as an important issue. The amendment deals with another important issue, fair reimbursement for auto body shops from insurance companies. The text of this amendment comes from HB 664, which passed the House by a wide margin earlier this year. Since the fate of HB 664 in the other body is unclear, the committee decided to combine these two issues to emphasize their importance and try to move them both forward.

~~SB 110, relative to the investigations by the state fire marshal. OUGHT TO PASS WITH AMENDMENT.~~

~~Kermit Williams for Commerce and Consumer Affairs. This bill allows the state Fire Marshal to obtain information from an insurance company when investigating a building collapse or carbon monoxide incident under the same rules that currently apply to fire losses under the state Board of Fire Control. The bill also modifies the disclosure rules for such investigations, giving much more secrecy to the insurance company and making it difficult to obtain information for a potential legal claim. The committee thought that the new language was unbalanced in favor of insurers, and amended the bill to return to the original disclosure language from RSA 153:13, which has worked well since 1979.~~

Handwritten initials "OK" above a circled signature that appears to be "Kermit Williams".

Rep. K. Williams

Amendment to SB 272-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to mental health parity under the insurance laws and relative to vehicle
4 repair standards.
5

6 Amend the bill by replacing all after section 2 with the following:

7

8 3 New Sections; Vehicle Repair Standards. Amend RSA 407-D by inserting after section 3-a the
9 following new sections:

10 407-D:3-b Vehicle Repair Standards.

11 I. Insurers shall pay a claim to the claimant or repairer based upon the repairer's
12 utilization of repair procedures or specifications that conform to the original equipment
13 manufacturer's recommended procedures, specifications, or allowable tolerances of such vehicle
14 year, make, model, and trim level. If the repair procedure or specification from an original
15 equipment manufacturer includes a directive to conduct a scan, calibration, or diagnostic test of a
16 vehicle's electronics systems before or after the commencement of repairs, such directive shall be
17 considered as a required part of the repair procedure. The insurer shall reimburse the repairer if
18 the repairer follows the directive. Notwithstanding any statements or recommendations contained
19 in the original equipment manufacturer's repair procedures or specifications relative to the use of
20 original equipment manufacturer parts, governance of the use of after market parts in the course of
21 an insurer-funded repair shall be solely dictated by RSA 407-D:3-a.

22 II. This section shall not apply to vehicle glass repair and emplacement services including,
23 but not limited to, the calibration of Advanced Driver Assistance System (ADAS), when done by an
24 automobile glass company. The company shall notify their customer after repair whether
25 calibration has been performed.

26 407-D:3-c Paint and Materials Estimates. When an automobile repairer follows the paint and
27 materials estimate from a paint manufacturer, nationally recognized third party, or some
28 combination thereof, the insurer shall reimburse the repairer invoice based on such estimate or a
29 comparable paint and materials estimate from another paint manufacturer, nationally recognized
30 third party guide, or some combination thereof.

31 4 Effective Date.

32 I. Sections 1 and 2 of this act shall take effect January 1, 2020.

33 II. The remainder of this act shall take effect upon its passage.

2019-2139h

AMENDED ANALYSIS

This bill authorizes the insurance commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance.

This bill also requires an insurer to reimburse an automobile repairer for all repairs if the repairer follows an original equipment manufacturer recommended collision repair procedures. Section 3 of this bill is a result of the committee to study reimbursement rates under automobile insurance policies, established by 2018, 13.

REGULAR CALENDAR

June 5, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Commerce and Consumer Affairs to which was referred SB 272-FN,

AN ACT relative to mental health parity under the insurance laws. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Michael Costable

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Commerce and Consumer Affairs
Bill Number:	SB 272-FN
Title:	relative to mental health parity under the insurance laws.
Date:	June 5, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority on the committee believes that this bill should be adopted without the amendment that adds the language of HB 664. HB 664 is still in the Senate but changes are being proposed that will significantly change the bill as passed by the House. The minority believes that HB 664 will harm small businesses by forcing them to use dealers and harm consumers by driving up rates due to a lack of understanding of what OEM recommendations are and what required procedures are. As such, HB 664 should not be adopted.

Rep. Michael Costable
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

SB 272-FN, relative to mental health parity under the insurance laws. **OUGHT TO PASS.**

Rep. Michael Costable for the **Minority** of Commerce and Consumer Affairs. The minority on the committee believes that this bill should be adopted without the amendment that adds the language of HB 664. HB 664 is still in the Senate but changes are being proposed that will significantly change the bill as passed by the House. The minority believes that HB 664 will harm small businesses by forcing them to use dealers and harm consumers by driving up rates due to a lack of understanding of what OEM recommendations are and what required procedures are. As such, HB 664 should not be adopted.

Original: House Clerk

Cc: Committee Bill File

SB272

The minority on the committee believes SB272 should be OTP without amendment (number??) that adds the language of HB664. HB664 is still in the Senate but changes are being proposed that will significantly change the bill as passed by the House. The minority believes that HB664 will harm small businesses by forcing them to use dealers and harm consumers by driving up rates due to a lack of understanding between what OEM recommendations are and what required procedures are. As such, HB664 should be ITL'd. For further reading refer to the minority committee report on HB664.

Edoik

Carol Stapler

From: Ed Butler <edofthenotch@gmail.com>
Sent: Wednesday, May 29, 2019 9:09 AM
To: Costable, Michael
Cc: Carol Stapler
Subject: SB272 Minority Report - edited
Attachments: SB272 Minority CR - Costable.docx

Michael,

I made a bit of an edit on your Minority Report on 272. Unless we hear otherwise, it will go to the Calendar as edited.

Thanks,
Ed

Representative Ed Butler

Carroll County District 7 - includes the towns of Hart's Location, Bartlett, Jackson, Chatham, Conway, Eaton, Albany, Tamworth, Madison, Freedom and the unincorporated Hale's Location

Commerce Committee, Chair

986-4387 (cell)

374-6131 (home and inn)

he/him/his

SB 272

The minority of the committee believes SB 272 should be OTP without the amendment #2139h that adds the language of HB 664. HB 664 is still in the Senate, but changes are being proposed that will significantly change the bill as passed by the House. The minority believes that will harm small businesses by forcing them to use dealers and harm consumers by driving up rates due to a lack of understanding between what OEM recommendations are and what required procedures are. As such, HB 664 should be ITL'd. For further reading refer to the minority committee report on HB 664.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 272-FN

BILL TITLE: relative to mental health parity under the insurance laws.

DATE: May 21, 2019

LOB ROOM: 302

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Williams Seconded by Rep. Butler AM Vote: 14-5

Amendment # 2019-2139h

Moved by Rep. Williams Seconded by Rep. Butler Vote: 14-5

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Rebecca McBeath, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 272-FN

BILL TITLE: relative to mental health parity under the insurance laws.

DATE: 5-21-19

LOB ROOM: 302

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # 2139h (if offered)
- Interim Study (2nd year)

Moved by Rep. William Seconded by Rep. Butler Vote: 14-5

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: 14-5

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Costello Motion

Respectfully submitted: [Signature]
Rep. Rebecca McBeath, Clerk

OTP
no
amendment
2139h



2019 SESSION

Commerce and Consumer Affairs

Bill #: SB372 Motion: Adopt Amend AM #: 2139h Exec Session Date:

5-21-2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Butler, Edward A. Chairman	✓		
Williams, Kermit R. Vice Chairman	✓		
Giddens, Kenneth McConnell	✓		
Abel, Richard M.	✓		
McBeath, Rebecca Susan Clerk	✓		
Bartlett, Christy D.	✓		
Herbert, Christopher J.	✓		
Van Houten, Constance	✓		
Fargo, Kristina M.	✓		
Indruk, Greg L.	✓		
Muscatel, Garrett D.	✓		
Weston, Joyce	✓		
Hunt, John B.	✓		
Santilli, Joseph RENZULLO	✓		
Osborne, Jason M.		✓	
Costable, Michael		✓	
Blum, John R. BALDASARO		✓	
Barnes, Arthur E.		✓	
Potucek, John M.		✓	
Warden, Mark		✓	
TOTAL VOTE:	14	5	



2019 SESSION

Commerce and Consumer Affairs

Bill #: SB272 Motion: OTD/A AM #: 2139h Exec Session Date: _____

5-21-2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Butler, Edward A. Chairman	✓		
Williams, Kermit R. Vice Chairman	✓		
Giddens, Kenneth McConnell	✓		
Abel, Richard M.	✓		
McBeath, Rebecca Susan Clerk	✓		
Bartlett, Christy D.	✓		
Herbert, Christopher J.	✓		
Van Houten, Constance	✓		
Fargo, Kristina M.	✓		
Indruk, Greg L.	✓		
Muscatel, Garrett D.	✓		
Weston, Joyce	✓		
Hunt, John B.	✓		
Santilli, Joseph RENZULLO	✓		
Osborne, Jason M.		✓	
Costable, Michael		✓	
Blum, John R. BALDASARO		✓	
Barnes, Arthur E.		✓	
Potucek, John M.		✓	
Warden, Mark		✓	
TOTAL VOTE:	14	5	

Amendment to SB 272-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to mental health parity under the insurance laws and relative to vehicle
4 repair standards.
5

6 Amend the bill by replacing all after section 2 with the following:

7

8 3 New Sections; Vehicle Repair Standards. Amend RSA 407-D by inserting after section 3-a the
9 following new sections:

10 407-D:3-b Vehicle Repair Standards.

11 I. Insurers shall pay a claim to the claimant or repairer based upon the repairer's
12 utilization of repair procedures or specifications that conform to the original equipment
13 manufacturer's recommended procedures, specifications, or allowable tolerances of such vehicle
14 year, make, model, and trim level. If the repair procedure or specification from an original
15 equipment manufacturer includes a directive to conduct a scan, calibration, or diagnostic test of a
16 vehicle's electronics systems before or after the commencement of repairs, such directive shall be
17 considered as a required part of the repair procedure. The insurer shall reimburse the repairer if
18 the repairer follows the directive. Notwithstanding any statements or recommendations contained
19 in the original equipment manufacturer's repair procedures or specifications relative to the use of
20 original equipment manufacturer parts, governance of the use of after market parts in the course of
21 an insurer-funded repair shall be solely dictated by RSA 407-D:3-a.

22 II. This section shall not apply to vehicle glass repair and emplacement services including,
23 but not limited to, the calibration of Advanced Driver Assistance System (ADAS), when done by an
24 automobile glass company. The company shall notify their customer after repair whether
25 calibration has been performed.

26 407-D:3-c Paint and Materials Estimates. When an automobile repairer follows the paint and
27 materials estimate from a paint manufacturer, nationally recognized third party, or some
28 combination thereof, the insurer shall reimburse the repairer invoice based on such estimate or a
29 comparable paint and materials estimate from another paint manufacturer, nationally recognized
30 third party guide, or some combination thereof.

31 4 Effective Date.

32 I. Sections 1 and 2 of this act shall take effect January 1, 2020.

33 II. The remainder of this act shall take effect upon its passage.

2019-2139h

AMENDED ANALYSIS

This bill authorizes the insurance commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance.

This bill also requires an insurer to reimburse an automobile repairer for all repairs if the repairer follows an original equipment manufacturer recommended collision repair procedures. Section 3 of this bill is a result of the committee to study reimbursement rates under automobile insurance policies, established by 2018, 13.

Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

FULL COMMITTEE WORK SESSION on SB 272-FN

BILL TITLE: relative to mental health parity under the insurance laws.

DATE: May 7, 2019

Subcommittee Members: Reps. Butler, Williams, McBeath, Abel, Bartlett, Herbert, Van Houten, Fargo, Muscatel, Weston, Hunt, Plumer and Barnes

Comments and Recommendations: Discussion. Alex Feldvebel, NH Insurance Dept., supports the bill. We worked with Sen. Morgan on the wording. Section 2: Clearer authority to enforce the federal of 2008. We appreciate the statement of public policy that is contained in ???; helps us set priorities in targeting out MC exams.

Respectfully submitted,

Rep. Rebecca McBeath
Subcommittee Clerk

~~Full~~ **SUBCOMMITTEE WORK SESSION** on **SB 272-FN**

BILL TITLE: relative to mental health parity under the insurance laws.

DATE: 5-7-2019

Subcommittee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Comments and Recommendations:

Discussion

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____
Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____
_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____
Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____
_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. 
Subcommittee Chairman/Clerk

SB 272

Alex Feldobel #2
NH Insurance Dept.

Support the bill

We worked w Sean Morgan on the wording

Section 2:

- ① Clearer authority to enforce the federal MHPAEA of 2008.
- ② We appreciate the statement of public policy that is contained in V-a.
Helps us set priorities in targeting our MC exams.

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 272-FN

BILL TITLE: relative to mental health parity under the insurance laws.

DATE: April 24, 2019

LOB ROOM: 302 **Time Public Hearing Called to Order:** 3:08pm

Time Adjourned: 3:21pm

Committee Members: Reps. Butler, Williams, Abel, Herbert, Van Houten, Fargo, Indruk, Weston, Hunt, J. Osborne, Plumer, Potucek and Warden

Bill Sponsors:

Sen. Morgan	Sen. Bradley	Sen. Cavanaugh
Sen. Chandley	Sen. D'Allesandro	Sen. Feltes
Sen. Fuller Clark	Sen. Kahn	Sen. Levesque
Sen. Soucy	Sen. Watters	

TESTIMONY

Alan Raff for Senator Jon Morgan, prime sponsor - Authorizes insurance commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity & Addiction Act of 2008 (see bill analysis.)

***Alex Feldvebel, NH Insurance Dept.** - Directs insurance department authorities to periodically review carriers for adherence to parity law; clarifies current statute for examinations.

Q: Rep. Kermit Williams - Carve out practice applicable to this bill? Mental Health separately from Health?

A:Some are separate, Anthem inclusive. In plans that we regulate, we have health plans that include health but not just specific mental health plans. Not regulated by NH State Insurance.

Blue Sheet:Pro, 16; Con, 0

Respectfully Submitted:



Kristina Fargo, Acting Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 272-FN

BILL TITLE: relative to mental health parity under the insurance laws.

DATE: 4-14-19

ROOM: 302

Time Public Hearing Called to Order: 3:08

Time Adjourned: 3:21

(please circle if present)

Committee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Bill Sponsors:

Sen. Morgan
Sen. Chandley
Sen. Fuller Clark
Sen. Soucy

Sen. Bradley
Sen. D'Allesandro
Sen. Kahn
Sen. Watters

Sen. Cavanaugh
Sen. Feltes
Sen. Levesque

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1 Alan Raff - Senator ~~Bradley~~ Morgan
2 Alex Feldvibel - NH Ins Dept

SB 272 FN 4/24/19

#1 Plan Raff - for Senator Morgan

- authorizes insurance commissioner to enforce the Fair Health Care Act

Democrat Mental Health Parity & Addiction Act of 2008 - ... See bill Analysis

#2 Alex Federal - NH dns Dept

- directs insurance auth

to periodically review carriers for adherence to parity law

- clarify current statute

for examiners

Written Testimony

Williams - Care Outcomes applicable to this bill? Mental Health

separately from Health?

Some are separate, others inclusive.

Our plans that we regulate, we

have health plans that include

health but not specific

mental health plans. Not

regulated by NH state insurance.

Blue Sheet - Potuck

Testimony

April 24, 2019

The Honorable Edward Butler, Chair
House Commerce and Consumer Affairs Committee
Legislative Office Building, Room 302
33 North State Street
Concord, NH 03301

Re: New Futures Support for SB 272-FN (relative to mental health parity under the insurance laws),

Dear Representative Butler and Honorable Members of the Committee,

New Futures appreciates the opportunity to testify in support of SB 272-FN, relative to mental health parity under the insurance laws. New Futures is a nonpartisan, nonprofit organization that advocates, educates and collaborates to improve the health and wellness of all New Hampshire residents. In this role, we work extensively with policy makers, service providers and families afflicted by substance misuse and mental illness to prevent, address and reduce behavioral health issues in our state.

New Futures stands strongly in support of SB 272-FN, as it aims to further ensure access to mental health and substance use treatment services for individuals and families across the Granite State. Currently, the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Parity Law) requires health insurance carriers to achieve coverage parity between benefits for mental health and substance use disorders and medical and surgical benefits.

As proposed, SB 272-FN would strengthen the state's enforcement efforts by requiring the N.H. Insurance Department to periodically complete parity compliance analyses for the fully insured market. Codified in statute, these reports would go far to ensure that New Hampshire insurers remain in compliance with the federal Parity Law, and that our state provides equal access to mental health and substance use treatment for individuals in need. This will help not only to reinforce New Hampshire's current response to the ongoing addiction and mental health crises, but will help ensure that our state maintains a robust treatment network capable of addressing future public health epidemics as they emerge.

For these reasons, New Futures respectfully requests that the Committee recommend this bill Ought to Pass. Please do not hesitate to contact me if you have questions or need additional information.

Respectfully submitted,



Jake Berry
Vice President of Policy
New Futures

Bill as Introduced

SB 272-FN - AS AMENDED BY THE SENATE

02/21/2019 0391s

2019 SESSION

19-0921
01/03

SENATE BILL **272-FN**

AN ACT relative to mental health parity under the insurance laws.

SPONSORS: Sen. Morgan, Dist 23; Sen. Bradley, Dist 3; Sen. Cavanaugh, Dist 16; Sen. Chandley, Dist 11; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Sen. Levesque, Dist 12; Sen. Soucy, Dist 18; Sen. Watters, Dist 4

COMMITTEE: Commerce

ANALYSIS

This bill authorizes the insurance commissioner to enforce the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and requires the commissioner to examine and evaluate health insurers, health service corporations, and health maintenance organizations for compliance.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to mental health parity under the insurance laws.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, II to read as
2 follows:

3 II. Notwithstanding any other provision of law, each insurer that issues or renews any
4 policy of [~~group~~] accident or health insurance and each nonprofit health service corporation under
5 RSA 420-A and health maintenance organization under RSA 420-B providing benefits for disease or
6 sickness in the state of New Hampshire shall provide benefits for treatment and diagnosis of certain
7 biologically-based mental illnesses under the same terms and conditions and which are no less
8 extensive than coverage provided for any other type of health care for physical illness.

9 2 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, V to read as
10 follows:

11 V. The commissioner *shall have the authority to enforce the Paul Wellstone and Pete*
12 *Domenici Mental Health Parity and Addiction Equity Act of 2008 (the Act), including any*
13 *amendments thereto and any federal rules adopted thereunder, and may adopt rules, under*
14 *RSA 541-A, as may be necessary to effectuate any provisions of the [~~Mental Health Parity Act of~~*
15 *2008] Act that relate to the business of insurance.*

16 *V-a. Under examination authority in RSA 400-A:37, the commissioner shall*
17 *periodically examine and evaluate health insurers, health service corporations, and*
18 *health maintenance organizations for compliance with this chapter and with the act.*
19 *Such examination and evaluation shall include provider reimbursement practices. The*
20 *result of such examinations and evaluations shall be made public to the fullest extent*
21 *allowed under RSA 400-A:37.*

22 3 Effective Date. This act shall take effect January 1, 2020.

**SB 272-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to mental health parity under the insurance laws.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill amends RSA 417-E:1 to authorize the Commissioner of the Insurance Department to enforce federal law which prohibits group health plans and health insurance issuers that provide mental health or substance use disorder benefits from imposing less favorable benefit limitations on those benefits than on medical/surgical benefits. The bill also requires the Commissioner to periodically evaluate certain parties to determine compliance and make those evaluations public.

The Insurance Department assumes that issuers have already incorporated the requirements of the federal law into their policy designs and it does not anticipate any fiscal impact to costs for premiums or premium tax revenue. The Department states there may be an increase to state expenditures to the extent it will need to contract services in order to perform required examinations and evaluations, but the Department did not provide a cost estimate for these services.

The Department of Administrative Services does not anticipate a fiscal impact to the State Health Benefit Plan for Employees and Retirees because it is a self-insured plan and not subject to managed care law.

The New Hampshire Municipal Association states this bill may impact health insurance rates

paid by municipalities but does not have the information to determine the fiscal impact if any.

AGENCIES CONTACTED:

Department of Administrative Services, New Hampshire Municipal Association, and Insurance
Department