

# HOUSE BILL NO. 5619

March 12, 2020, Introduced by Reps. Brann, Calley and Love and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 3406v.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3406v. (1) The director shall implement and enforce  
2       applicable provisions of the Paul Wellstone and Pete Domenici  
3       mental health parity and addiction equity act of 2008 and federal  
4       guidance or regulations relevant to, that act, including 45 CFR  
5       146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3),



1 which include all of the following:

2 (a) Proactively ensuring compliance by any insurer that  
3 delivers, issues for delivery, or renews in this state a health  
4 insurance policy.

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

8 (c) Performing parity-compliance market conduct examinations  
9 of insurers, particularly market conduct examinations that focus on  
10 nonquantitative treatment limitations such as prior authorization,  
11 concurrent review, retrospective review, step therapy, network  
12 admission standards, reimbursement rates, and geographic  
13 restrictions, among other nonquantitative treatment limitations.

14 (d) Requiring that insurers submit comparative analyses during  
15 the form review process demonstrating how they design and apply  
16 nonquantitative treatment limitations, both as written and in  
17 operation, for mental health and substance use disorder benefits as  
18 compared to how they design and apply nonquantitative treatment  
19 limitations, as written and in operation, for medical and surgical  
20 benefits.

21 (2) By April 1, 2020, and each April 1 after that date, the  
22 director shall issue a report and educational presentation to the  
23 legislature, that must do all of the following:

24 (a) Cover the methodology the director is using to check for  
25 compliance with the Paul Wellstone and Pete Domenici mental health  
26 parity and addiction equity act of 2008, and any federal  
27 regulations or guidance relating to the compliance and oversight of  
28 the Paul Wellstone and Pete Domenici mental health parity and  
29 addiction equity act of 2008.



1 (b) Cover the methodology the director is using to check for  
2 compliance with section 3425 and section 414a of the nonprofit  
3 health care corporation reform act, 1980 PA 350, MCL 550.1414a.

4 (c) Identify market conduct examinations conducted or  
5 completed during the preceding 12-month period regarding compliance  
6 with parity in mental health and substance use disorder benefits  
7 under state and federal laws and summarize the results of the  
8 market conduct examinations.

9 (d) Detail any educational or corrective actions the director  
10 has taken to ensure insurer compliance with the Paul Wellstone and  
11 Pete Domenici mental health parity and addiction equity act of 2008  
12 and section 3425 and section 414a of the nonprofit health care  
13 corporation reform act, 1980 PA 350, MCL 550.1414a.

14 (e) Be written in nontechnical, readily understandable  
15 language and made available to the public by, among other means as  
16 the director finds appropriate, posting the report on the  
17 department's website.

18 (3) The director, in collaboration and consultation with the  
19 director of the department of health and human services, must  
20 appoint a workgroup to assist the director in planning and  
21 implementing a statewide consumer educational campaign on  
22 behavioral health parity, that must include a focus on behavioral  
23 health parity in the state's medical assistance program, to be  
24 conducted in 2021. The campaign must, at a minimum, provide public  
25 trainings in each of the state's prepaid inpatient health plan  
26 regions as well as a consumer hotline to assist individuals in  
27 navigating the parity process. The workgroup shall report to the  
28 legislature on the implementation and outcomes of the educational  
29 campaign by July 1, 2022. The workgroup appointed under this



1 subsection consists of the following members appointed by the  
2 director:

3 (a) Three members representing nonprofit behavioral health  
4 advocacy agencies, at least 1 of which must be an organization with  
5 focus on children and youth.

6 (b) Two members who have received behavioral health services.

7 (c) Two members who are family members of individuals that  
8 have received behavioral health services.

9 (d) Two members representing providers of behavioral health  
10 service, at least 1 of whom has experience with Medicaid services.

11 (e) One member representing the department of health and human  
12 services.

13 (f) One member representing health insurers.

14 (g) One member representing Medicaid managed care  
15 organizations, which may include someone representing a specialty  
16 prepaid health plan.

17 (4) As used in this section, "the Paul Wellstone and Pete  
18 Domenici mental health parity and addiction equity act of 2008"  
19 means subtitle B of title V of division C of Public Law 110-343.

