

**Representative Brian S. King** proposes the following substitute bill:

**MENTAL HEALTH INSURANCE REQUIREMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian S. King**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to certain health benefits.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates reporting requirements for an insurer that provides a health benefit plan regarding certain treatment limitations on mental health benefits and substance use disorder benefits; and
- ▶ requires the Insurance Department to report certain information to the Legislature.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**31A-22-653**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*



26 Section 1. Section 31A-22-653 is enacted to read:

27 31A-22-653. Mental health parity -- Reporting requirements -- Coverage  
28 requirements.

29 (1) As used in this section:

30 (a) "Classification" means a classification of benefits under 26 C.F.R. Sec.  
31 54.9812-1(c)(2)(ii).

32 (b) "Medical and surgical benefits" means medical surgical benefits as that term is  
33 defined in 26 C.F.R. Sec. 54.9812-1(a).

34 (c) "Mental health benefits" means the same as that term is defined in 26 C.F.R.  
35 54.9812-1(a).

36 (d) "Nonquantitative treatment limitation" means a limitation on the scope or duration  
37 of the benefits for treatment as described in 26 C.F.R. Sec. 54.9812-1(c)(4).

38 (e) "Quantitative treatment limitation" means a treatment limitation that is expressed  
39 numerically.

40 (f) "Substance use disorder benefits" means the same as that term is defined in 26  
41 C.F.R. Sec. 54.9812-1(a).

42 (2) For any health benefit plan issued or renewed on or after January 1, 2021, an  
43 insurer shall submit with an annual form filing for a health benefit plan a report that describes:

44 (a) (i) whether the health benefit plan is exempt from the requirements in the Mental  
45 Health Parity and Addiction Equity Act, Pub. L. No. 110-343; and

46 (ii) if the health benefit plan is not exempt from the requirements in the Mental Health  
47 Parity and Addiction Equity Act, Pub. L. No. 110-343, whether the health benefit plan provides  
48 a mental health benefit or a substance use disorder benefit;

49 (b) whether the health benefit plan provides a mental health benefit and a substance use  
50 disorder benefit in every classification in which a medical and surgical benefit is provided;

51 (c) whether the insurer is in compliance regarding, if applicable:

52 (i) mental health parity requirements relating to lifetime and annual dollar limits on  
53 mental health benefits and substance use disorder benefits;

54 (ii) financial requirements or quantitative treatment limitations on mental health  
55 benefits and substance use disorder benefits;

56 (iii) cumulative financial requirements or cumulative quantitative treatment limitations

57 for mental health benefits and substance use disorder benefits; and

58 (iv) nonquantitative treatment limitations on mental health benefits and substance use  
59 disorder benefits;

60 (d) whether the insurer allows an employer to claim an increased cost exemption and  
61 opt out of the parity benefits;

62 (e) whether the insurer is in compliance with the disclosure requirements in the Mental  
63 Health Parity and Addiction Equity Act, Pub. L. No. 110-343, as amended by PPACA; and

64 (f) any other items requested by the commissioner.

65 (3) The commissioner may set by rule made in accordance with Title 63G, Chapter 3,  
66 Utah Administrative Rulemaking Act:

67 (a) any specific requirements for the filing, form, and content required under this  
68 section; and

69 (b) any disclosure requirements to be made to an applicant or an insured.

70 (4) Before November 30 of each year, the department shall submit a report to the  
71 Health and Human Services Interim Committee summarizing the information submitted under  
72 Subsection (2).