

HOUSE BILL 1252

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3lr1210
CF SB 582

By: **Delegates A. Kelly, Bobo, Costa, Cullison, Eckardt, Elliott, Feldman, Hammen, Hubbard, Kach, Kipke, Pena-Melnyk, Rosenberg, Tarrant, and V. Turner**

Introduced and read first time: February 8, 2013
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Federal Mental Health Parity and Addiction Equity Act –**
3 **Utilization Review Criteria and Standards**

4 FOR the purpose of requiring the information that a private review agent submits to
5 the Maryland Insurance Commissioner in conjunction with a certain application
6 to include certification by the private review agent that the criteria and
7 standards to be used in conducting utilization review are, for review of mental
8 health and substance use disorder benefits, in compliance with the federal
9 Mental Health Parity and Addiction Equity Act; prohibiting a private review
10 agent from using criteria and standards to conduct utilization review unless the
11 criteria and standards used by the private review agent are, for review of
12 mental health and substance use disorder benefits, in compliance with the
13 federal Mental Health Parity and Addiction Equity Act; making a stylistic
14 change; and generally relating to utilization review criteria and standards used
15 by private review agents for review of mental health and substance use disorder
16 benefits under health insurance and compliance with the federal Mental Health
17 Parity and Addiction Equity Act.

18 BY repealing and reenacting, with amendments,
19 Article – Insurance
20 Section 15–10B–05(a)(11) and 15–10B–11(8)
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Insurance
25 Section 15–10B–11(9)
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Insurance**

4 15–10B–05.

5 (a) In conjunction with the application, the private review agent shall submit
6 information that the Commissioner requires including:

7 (11) certification by the private review agent that the criteria and
8 standards to be used in conducting utilization review are:

9 (i) objective;

10 (ii) clinically valid;

11 (iii) compatible with established principles of health care; [and]

12 (iv) flexible enough to allow deviations from norms when
13 justified on a case by case basis; AND

14 **(V) FOR REVIEW OF MENTAL HEALTH AND SUBSTANCE USE**
15 **DISORDER BENEFITS, IN COMPLIANCE WITH THE FEDERAL MENTAL HEALTH**
16 **PARITY AND ADDICTION EQUITY ACT.**

17 15–10B–11.

18 A private review agent may not:

19 (8) use criteria and standards to conduct utilization review unless the
20 criteria and standards used by the private review agent are:

21 (i) objective;

22 (ii) clinically valid;

23 (iii) compatible with established principles of health care; [or]

24 (iv) flexible enough to allow deviations from norms when
25 justified on a case-by-case basis; [or] AND

26 **(V) FOR REVIEW OF MENTAL HEALTH AND SUBSTANCE USE**
27 **DISORDER BENEFITS, IN COMPLIANCE WITH THE FEDERAL MENTAL HEALTH**
28 **PARITY AND ADDICTION EQUITY ACT; OR**

1 (9) act as a private review agent without holding a certificate issued
2 under this subtitle.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.