

# SENATE BILL 581

C3

3lr2243  
CF 3lr1211

---

By: **Senators Kelley, Benson, Brinkley, Forehand, Klausmeier, Madaleno, Middleton, Montgomery, Pinsky, and Pugh**

Introduced and read first time: February 1, 2013

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Federal Mental Health Parity and Addiction Equity Act –**  
3 **Consumer Bill of Rights**

4 FOR the purpose of requiring certain carriers that offer a certain health insurance  
5 policy or contract to provide, in the mental health and substance use disorder  
6 benefits sections of the health insurance policy or contract documents, certain  
7 notices and other information relating to the federal Mental Health Parity and  
8 Addiction Equity Act; requiring a carrier to provide certain policy or contract  
9 information or documents to a member within a certain period of time;  
10 requiring a carrier to post on its Web site and provide by certain means within a  
11 certain period of time a release of information authorization form; defining  
12 certain terms; making the provisions of this Act applicable to health  
13 maintenance organizations; and generally relating to information in health  
14 insurance documents relating to compliance with the federal Mental Health  
15 Parity and Addiction Equity Act.

16 BY adding to  
17 Article – Health – General  
18 Section 19–706(oooo)  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2012 Supplement)

21 BY adding to  
22 Article – Insurance  
23 Section 15–128  
24 Annotated Code of Maryland  
25 (2011 Replacement Volume and 2012 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1           (1) NOTICE THAT THE POLICY OR CONTRACT IS SUBJECT TO THE  
2 ACT, WHICH REQUIRES THAT THE FINANCIAL REQUIREMENTS AND  
3 QUANTITATIVE AND NONQUANTITATIVE TREATMENT LIMITATIONS APPLIED TO  
4 MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES BE COMPARABLE  
5 TO AND NO MORE RESTRICTIVE THAN THE FINANCIAL REQUIREMENTS AND  
6 QUANTITATIVE AND NONQUANTITATIVE TREATMENT LIMITATIONS APPLIED TO  
7 MEDICAL AND SURGICAL SERVICES;

8           (2) A TELEPHONE NUMBER A MEMBER MAY CALL WITH  
9 QUESTIONS ABOUT COMPLIANCE OF THE MEMBER'S POLICY OR CONTRACT WITH  
10 THE ACT;

11           (3) NOTICE THAT:

12                   (I) COMPLAINTS REGARDING FINANCIAL REQUIREMENTS  
13 AND TREATMENT LIMITATIONS THAT MAY BE NONCOMPLIANT WITH THE ACT  
14 CAN BE FILED WITH THE COMMISSIONER; AND

15                   (II) HELP IN FILING A COMPLAINT MAY BE OBTAINED FROM  
16 THE HEALTH EDUCATION AND ADVOCACY UNIT OF THE ATTORNEY GENERAL'S  
17 OFFICE;

18           (4) (I) NOTICE THAT A MEMBER, WITHIN 10 BUSINESS DAYS  
19 AFTER A REQUEST IS RECEIVED BY THE CARRIER, IS ENTITLED TO ALL POLICY  
20 OR CONTRACT DOCUMENTS NECESSARY TO DETERMINE WHETHER THE POLICY  
21 OR CONTRACT IS IMPLEMENTING COMPLIANT FINANCIAL REQUIREMENTS AND  
22 TREATMENT LIMITATIONS, INCLUDING MEDICAL NECESSITY CRITERIA AND  
23 OTHER POLICIES AND PROCEDURES, FOR BOTH MENTAL HEALTH AND  
24 SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL BENEFITS;  
25 AND

26                   (II) INSTRUCTIONS ON HOW TO OBTAIN THE DOCUMENTS;  
27 AND

28           (5) NOTICE OF THE PROPER PROCEDURES, INCLUDING THE  
29 PROCEDURES FOR FILING A COMPLAINT WITH THE COMMISSIONER, TO BE  
30 FOLLOWED IF A MEMBER IS UNABLE TO SECURE AN APPOINTMENT WITH AN  
31 IN-NETWORK MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICE  
32 PROVIDER WITHOUT UNREASONABLE DELAY.

33           (D) A CARRIER SHALL PROVIDE ANY REQUESTED POLICY OR CONTRACT  
34 INFORMATION OR DOCUMENTS TO WHICH A MEMBER IS ENTITLED UNDER

1 **SUBSECTION (C) OF THIS SECTION TO A MEMBER WITHIN 10 BUSINESS DAYS**  
2 **AFTER THE REQUEST IS RECEIVED.**

3 **(E) A CARRIER SHALL:**

4 **(1) POST A RELEASE OF INFORMATION AUTHORIZATION FORM ON**  
5 **ITS WEB SITE; AND**

6 **(2) PROVIDE A RELEASE OF INFORMATION AUTHORIZATION FORM**  
7 **BY STANDARD MAIL WITHIN 10 BUSINESS DAYS AFTER A REQUEST FOR THE**  
8 **FORM IS RECEIVED.**

9 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
10 **October 1, 2013.**