

CHAPTER.....

AN ACT relating to insurance; revising the manner in which a data request or report submitted to the Commissioner of Insurance by certain insurers or other organizations providing health coverage relating to the compliance of the insurer or organization with certain federal laws must be submitted to the Commissioner; revising provisions governing the confidentiality of information contained in such a data request or report; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 prohibits group health plans and health insurance issuers that provide benefits for mental health or substance use disorders from imposing less favorable benefit limitations on those benefits than on medical and surgical benefits. (Pub. L. No. 110-343, 122 Stat. 3765) Existing law requires certain health insurers or other organizations providing health coverage to comply with the Act. Existing law additionally requires the Commissioner of Insurance to annually prescribe and provide to each such insurer or other organization a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Act. Under existing law, an insurer or other organization is required to either complete the data request and submit it to the Commissioner or submit to the Commissioner a copy of a report submitted to the Federal Government demonstrating compliance with the Act. (NRS 687B.404) This bill requires the data request or the report to be submitted to the Commissioner in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners.

Under existing law, any information provided to the Commissioner in the data request or report is confidential. (NRS 687B.404) This bill instead provides that such information is a public record except for personally identifiable information of a consumer and any information determined by the Commissioner to constitute a trade secret, which are confidential. This bill sets forth certain standards for the making of a determination by the Commissioner as to whether information provided to the Commissioner in the data request or report constitutes a trade secret.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 687B.404 is hereby amended to read as follows:

687B.404 1. An insurer or other organization providing health coverage pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C, 695F or 695G of NRS, including, without limitation, a



health maintenance organization or managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid, shall adhere to the applicable provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, and any federal regulations issued pursuant thereto.

2. On or before July 1 of each year, the Commissioner shall prescribe and provide to each insurer or other organization providing health coverage subject to the provisions of subsection 1 a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § ~~300gg-26(a)(8)~~ **300gg-26(a)**.

3. On or before October 1 of each year, each insurer or other organization providing health coverage subject to the provisions of subsection 1 shall:

(a) Complete and submit to the Commissioner , *in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners*, the data request prescribed pursuant to subsection 2; or

(b) Submit to the Commissioner , *in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners*, a copy of a report submitted by the insurer or other organization to the Federal Government demonstrating compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § ~~300gg-26(a)(8)~~ **300gg-26(a)**. The Commissioner may request from an insurer or other organization who submits a copy of such a report any supplemental information necessary to determine whether the insurer or other organization is in compliance with that federal law.

4. Any information provided by an insurer or other organization to the Commissioner pursuant to subsection 3 is *a public record except that the following information is confidential* **⊠**:

(a) *Personally identifiable information of a consumer.*



*(b) Any information determined by the Commissioner to constitute a trade secret. In determining whether information provided pursuant to subsection 3, including, without limitation, information concerning mental health parity in the adequacy of the networks of insurers and other organizations, reimbursement rates for providers of health care, in-network and out-of-network utilization rates and the number and percentage of denials of claims, constitutes a trade secret pursuant to this paragraph:*

*(1) The Commissioner shall not make a determination that the information constitutes a trade secret solely because the information reflects whether an insurer is in compliance with the provisions of this section; and*

*(2) Any doubt or uncertainty regarding whether the information constitutes a trade secret must be resolved in favor of a determination that the information does not constitute a trade secret.*

5. On or before December 31 of each year, the Commissioner shall compile a report summarizing the information submitted to the Commissioner pursuant to this section and submit the report to:

(a) The Patient Protection Commission created by NRS 439.908;

(b) The Governor; and

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services.

6. The Commissioner may adopt any regulations necessary to carry out the provisions of this section.

*7. As used in this section, "trade secret" has the meaning ascribed to it in NRS 600A.030.*



