

ASSEMBLY BILL NO. 207—ASSEMBLYMEMBER COLE

PREFILED FEBRUARY 3, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the submission of certain information to the Commissioner of Insurance relating to mental health parity and addiction equity. (BDR 57-853)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

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; setting forth certain requirements for certain market analyses conducted by the Commissioner; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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



15 accordance with the System for Electronic Rate and Form Filing developed and
16 implemented by the National Association of Insurance Commissioners.

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

25 Finally, this bill requires any market analysis conducted by the Commissioner
26 to determine compliance with the provisions of this bill to be conducted in
27 accordance with applicable standards set forth by the National Association of
28 Insurance Commissioners, all applicable laws and any regulations adopted by the
29 Commissioner.

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

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

3 687B.404 1. An insurer or other organization providing
4 health coverage pursuant to chapter 689A, 689B, 689C, 695A,
5 695B, 695C, 695F or 695G of NRS, including, without limitation, a
6 health maintenance organization or managed care organization that
7 provides health care services through managed care to recipients of
8 Medicaid under the State Plan for Medicaid, shall adhere to the
9 applicable provisions of the Paul Wellstone and Pete Domenici
10 Mental Health Parity and Addiction Equity Act of 2008, Public Law
11 110-343, Division C, Title V, Subtitle B, and any federal regulations
12 issued pursuant thereto.

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

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

25 (a) Complete and submit to the Commissioner, *in accordance*
26 *with the System for Electronic Rate and Form Filing developed*
27 *and implemented by the National Association of Insurance*



1 *Commissioners*, the data request prescribed pursuant to subsection
2 2; or

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

16 4. Any information provided by an insurer or other
17 organization to the Commissioner pursuant to subsection 3 is *a*
18 *public record except that the following information is* confidential
19 ~~§~~:

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

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

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

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

37 5. *Any market analysis conducted by the Commissioner to*
38 *determine compliance with the provisions of this section must be*
39 *conducted in accordance with applicable standards set forth by the*
40 *National Association of Insurance Commissioners, all applicable*
41 *laws and any regulations adopted by the Commissioner.*

42 ~~§~~ 6. On or before December 31 of each year, the
43 Commissioner shall compile a report summarizing the information
44 submitted to the Commissioner pursuant to this section and submit
45 the report to:



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

3 (b) The Governor; and

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

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

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

10 ~~6.~~ 7. The Commissioner may adopt any regulations
11 necessary to carry out the provisions of this section.

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

