

HOUSE BILL 1010

C3

5lr2450
CF SB 586

By: **Delegates Kelly, Cullison, Morhaim, Pena–Melnyk, Reznik, and Rosenberg**
Introduced and read first time: February 13, 2015
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Federal and State Mental Health and Addiction Parity Laws**
3 **– Report on Compliance**

4 FOR the purpose of requiring health maintenance organizations, insurers, and nonprofit
5 health service plans that offer certain contracts and health benefit plans to submit
6 to the Maryland Insurance Commissioner a report certifying and outlining how
7 certain contracts and health benefit plans comply with the federal Mental Health
8 Parity and Addiction Equity Act and certain State mental health and addiction
9 parity laws; requiring the report to be submitted on certain dates by a certain person
10 and to include certain information; providing that the report is a public record;
11 establishing certain penalties for certain violations; defining certain terms; and
12 generally relating to federal and State mental health and addiction parity laws
13 under health insurance.

14 BY adding to
15 Article – Health – General
16 Section 19–703.2
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2014 Supplement)

19 BY adding to
20 Article – Insurance
21 Section 15–802.1
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2014 Supplement)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **19-703.2.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "ACT" MEANS THE FEDERAL MENTAL HEALTH PARITY AND
5 ADDICTION EQUITY ACT AND ANY REGULATIONS ADOPTED UNDER THE ACT.

6 (3) "FINANCIAL REQUIREMENTS" HAS THE MEANING STATED IN THE
7 ACT.

8 (4) "NONQUANTITATIVE TREATMENT LIMITATION" HAS THE
9 MEANING STATED IN THE ACT.

10 (5) "QUANTITATIVE TREATMENT LIMITATION" HAS THE MEANING
11 STATED IN THE ACT.

12 (B) (1) THIS SECTION APPLIES TO A CONTRACT ISSUED TO A MEMBER OR
13 A SUBSCRIBER BY A HEALTH MAINTENANCE ORGANIZATION THAT:

14 (I) PROVIDES HEALTH BENEFITS AND SERVICES FOR THE
15 TREATMENT OF DISEASES; AND

16 (II) IS SUBJECT TO THE ACT.

17 (2) A HEALTH MAINTENANCE ORGANIZATION CONTRACT THAT
18 PROVIDES MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS THROUGH A
19 CONTRACT WITH ANOTHER ENTITY IS SUBJECT TO THIS SECTION.

20 (C) EACH HEALTH MAINTENANCE ORGANIZATION THAT OFFERS A
21 CONTRACT SUBJECT TO THIS SECTION SHALL SUBMIT TO THE COMMISSIONER A
22 REPORT CERTIFYING AND OUTLINING HOW CONTRACTS DESIGNATED BY THE
23 COMMISSIONER THAT WILL BE OFFERED FOR THE NEXT PLAN YEAR COMPLY WITH
24 THE ACT AND APPLICABLE STATE MENTAL HEALTH AND ADDICTION PARITY LAWS.

25 (D) (1) THE COMMISSIONER SHALL DESIGNATE THE CONTRACTS, IN
26 EACH MARKET IN WHICH THE HEALTH MAINTENANCE ORGANIZATION
27 PARTICIPATES, FOR WHICH A REPORT MUST BE SUBMITTED UNDER SUBSECTION (C)
28 OF THIS SECTION.

29 (2) THE DESIGNATED CONTRACTS SHALL REPRESENT THE FULL
30 RANGE OF PRODUCTS THAT THE HEALTH MAINTENANCE ORGANIZATION OFFERS IN
31 EACH MARKET.

1 **(E) THE REPORT:**

2 **(1) SHALL BE SUBMITTED ON OR BEFORE APRIL 1, 2016, AND ON OR**
3 **BEFORE APRIL 1 OF EACH YEAR THEREAFTER;**

4 **(2) SHALL BE A PUBLIC RECORD; AND**

5 **(3) SHALL IDENTIFY AND BE SUBMITTED BY THE DESIGNATED**
6 **REPRESENTATIVE OF THE HEALTH MAINTENANCE ORGANIZATION THAT IS**
7 **RESPONSIBLE FOR CONDUCTING A REVIEW OF COMPLIANCE WITH THE ACT AND**
8 **APPLICABLE STATE MENTAL HEALTH AND ADDICTION PARITY LAWS.**

9 **(F) THE REPORT SHALL INCLUDE AT A MINIMUM:**

10 **(1) (I) A LIST OF ALL COVERED AND EXCLUDED MENTAL HEALTH**
11 **AND SUBSTANCE USE DISORDER BENEFITS BY CLASSIFICATION, AS DEFINED IN THE**
12 **ACT; AND**

13 **(II) A DESCRIPTION OF THE STANDARDS AND FACTORS THAT**
14 **ARE USED TO DETERMINE WHICH MENTAL HEALTH AND SUBSTANCE USE DISORDER**
15 **BENEFITS AND MEDICAL AND SURGICAL BENEFITS WILL BE EXCLUDED FROM**
16 **COVERAGE;**

17 **(2) (I) A LIST OF ANY DIFFERENCES IN THE FINANCIAL**
18 **REQUIREMENTS AND QUANTITATIVE TREATMENT LIMITATIONS THAT APPLY TO**
19 **MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND**
20 **SURGICAL BENEFITS; AND**

21 **(II) AN EXPLANATION OF WHY ANY DIFFERENT FINANCIAL**
22 **REQUIREMENT OR QUANTITATIVE TREATMENT LIMITATION FOR MENTAL HEALTH**
23 **AND SUBSTANCE USE DISORDER BENEFITS ON THE LIST REQUIRED IN ITEM (I) OF**
24 **THIS ITEM COMPLIES WITH THE ACT;**

25 **(3) (I) 1. A DESCRIPTION OF THE PROCESS USED TO DEVELOP**
26 **OR SELECT THE MEDICAL NECESSITY CRITERIA FOR MENTAL HEALTH AND**
27 **SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL BENEFITS; AND**

28 **2. AN EXPLANATION OF THE PROCESS BY WHICH A**
29 **PERSON AUTHORIZED UNDER THE ACT MAY OBTAIN THE MEDICAL NECESSITY**
30 **CRITERIA;**

1 **(II) IDENTIFICATION OF ALL NONQUANTITATIVE TREATMENT**
2 **LIMITATIONS THAT ARE APPLIED THROUGH THE MEDICAL NECESSITY CRITERIA TO**
3 **MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND**
4 **SURGICAL BENEFITS; AND**

5 **(III) 1. A DESCRIPTION OF THE STANDARDS AND FACTORS**
6 **THAT ARE USED TO DETERMINE WHEN TO APPLY EACH NONQUANTITATIVE**
7 **TREATMENT LIMITATION IDENTIFIED IN ITEM (II) OF THIS ITEM TO THE MENTAL**
8 **HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND THE MEDICAL AND**
9 **SURGICAL BENEFITS; AND**

10 **2. AN EXPLANATION OF HOW EACH NONQUANTITATIVE**
11 **TREATMENT LIMITATION IS APPLIED TO THE MENTAL HEALTH AND SUBSTANCE USE**
12 **DISORDER BENEFITS AND THE MEDICAL AND SURGICAL BENEFITS;**

13 **(4) (I) A LIST OF ALL UTILIZATION REVIEW REQUIREMENTS THAT**
14 **APPLY TO MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND**
15 **MEDICAL AND SURGICAL BENEFITS;**

16 **(II) A DESCRIPTION OF THE STANDARDS AND FACTORS THAT**
17 **ARE USED TO DETERMINE WHEN TO APPLY EACH UTILIZATION REVIEW**
18 **REQUIREMENT TO THE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS**
19 **AND THE MEDICAL AND SURGICAL BENEFITS; AND**

20 **(III) A DESCRIPTION OF THE PROCESS THAT HEALTH CARE**
21 **PROVIDERS, MEMBERS, OR SUBSCRIBERS MUST FOLLOW TO OBTAIN PRIOR,**
22 **CONCURRENT, OR RETROSPECTIVE AUTHORIZATION FOR MENTAL HEALTH AND**
23 **SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL BENEFITS,**
24 **INCLUDING THE TIME FRAME OR FREQUENCY FOR SEEKING CONTINUED**
25 **AUTHORIZATIONS;**

26 **(5) (I) IDENTIFICATION OF ANY NONQUANTITATIVE TREATMENT**
27 **LIMITATIONS, OTHER THAN THOSE APPLIED THROUGH MEDICAL NECESSITY**
28 **CRITERIA UNDER ITEM (3) OF THIS SUBSECTION OR THROUGH UTILIZATION REVIEW**
29 **REQUIREMENTS UNDER ITEM (4) OF THIS SUBSECTION, THAT APPLY TO MENTAL**
30 **HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL**
31 **BENEFITS; AND**

32 **(II) 1. A DESCRIPTION OF THE STANDARDS AND FACTORS**
33 **THAT ARE USED TO DETERMINE WHEN TO APPLY EACH NONQUANTITATIVE**
34 **TREATMENT LIMITATION IDENTIFIED IN ITEM (I) OF THIS ITEM TO THE MENTAL**
35 **HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND THE MEDICAL AND**
36 **SURGICAL BENEFITS; AND**

1 **2. AN EXPLANATION OF HOW EACH NONQUANTITATIVE**
2 **TREATMENT LIMITATION IS APPLIED TO THE MENTAL HEALTH AND SUBSTANCE USE**
3 **DISORDER BENEFITS AND THE MEDICAL AND SURGICAL BENEFITS;**

4 **(6) (i) 1. A LIST OF COVERED DRUGS FOR THE TREATMENT OF**
5 **MENTAL HEALTH AND SUBSTANCE USE DISORDERS;**

6 **2. IDENTIFICATION OF THE TIER ON WHICH EACH**
7 **COVERED DRUG IS PLACED; AND**

8 **3. THE STANDARDS AND FACTORS THAT ARE USED TO**
9 **DETERMINE THE PLACEMENT OF A COVERED DRUG ON A TIER;**

10 **(ii) IDENTIFICATION OF THE NONQUANTITATIVE TREATMENT**
11 **LIMITATIONS THAT ARE APPLIED TO EACH COVERED DRUG USED TO TREAT MENTAL**
12 **HEALTH AND SUBSTANCE USE DISORDERS, INCLUDING:**

13 **1. AUTHORIZATION REQUIREMENTS;**

14 **2. THERAPEUTIC SUBSTITUTION;**

15 **3. STEP THERAPY; AND**

16 **4. DOSAGE LIMITATIONS; AND**

17 **(iii) 1. A DESCRIPTION OF THE STANDARDS AND FACTORS**
18 **THAT ARE USED TO DETERMINE WHEN TO APPLY EACH NONQUANTITATIVE**
19 **TREATMENT LIMITATION TO COVERED DRUGS USED TO TREAT MENTAL HEALTH AND**
20 **SUBSTANCE USE DISORDERS AND COVERED DRUGS USED TO TREAT MEDICAL**
21 **CONDITIONS; AND**

22 **2. AN EXPLANATION OF HOW EACH NONQUANTITATIVE**
23 **TREATMENT LIMITATION IS APPLIED TO THE DRUG BENEFITS;**

24 **(7) A DESCRIPTION OF THE HEALTH MAINTENANCE ORGANIZATION'S**
25 **NETWORK ADMISSION, CREDENTIALING, AND NETWORK CLOSURE STANDARDS FOR**
26 **MENTAL HEALTH AND SUBSTANCE USE DISORDER PROVIDERS AND MEDICAL AND**
27 **SURGICAL PROVIDERS; AND**

28 **(8) A DESCRIPTION OF THE HEALTH MAINTENANCE ORGANIZATION'S**
29 **PROCESS FOR DETERMINING THE FEE SCHEDULE AND REIMBURSEMENT RATES FOR**

1 MENTAL HEALTH AND SUBSTANCE USE DISORDER PROVIDERS AND MEDICAL AND
2 SURGICAL PROVIDERS.

3 (G) THE COMMISSIONER SHALL IMPOSE:

4 (1) AN ADMINISTRATIVE PENALTY OF UP TO \$5,000 FOR EACH
5 VIOLATION OF THIS SECTION; AND

6 (2) AN ADDITIONAL PENALTY OF UP TO \$1,000 FOR EACH DAY THE
7 VIOLATION CONTINUES.

8 Article – Insurance

9 15-802.1.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) “ACT” MEANS THE FEDERAL MENTAL HEALTH PARITY AND
13 ADDICTION EQUITY ACT AND ANY REGULATIONS ADOPTED UNDER THE ACT.

14 (3) “FINANCIAL REQUIREMENTS” HAS THE MEANING STATED IN THE
15 ACT.

16 (4) “HEALTH BENEFIT PLAN”:

17 (I) FOR A GROUP OR BLANKET PLAN IN THE LARGE GROUP
18 MARKET, HAS THE MEANING STATED IN § 15-1401 OF THIS TITLE;

19 (II) FOR A GROUP IN THE SMALL GROUP MARKET, HAS THE
20 MEANING STATED IN § 31-101 OF THIS ARTICLE; AND

21 (III) FOR AN INDIVIDUAL PLAN, HAS THE MEANING STATED IN §
22 15-1301 OF THIS TITLE.

23 (5) “NONQUANTITATIVE TREATMENT LIMITATION” HAS THE
24 MEANING STATED IN THE ACT.

25 (6) “QUANTITATIVE TREATMENT LIMITATION” HAS THE MEANING
26 STATED IN THE ACT.

27 (B) (1) THIS SECTION APPLIES TO EACH INDIVIDUAL, GROUP, AND
28 BLANKET HEALTH BENEFIT PLAN THAT IS:

1 (I) DELIVERED OR ISSUED FOR DELIVERY IN THE STATE BY AN
2 INSURER OR A NONPROFIT HEALTH SERVICE PLAN; AND

3 (II) SUBJECT TO THE ACT.

4 (2) AN INDIVIDUAL, GROUP, OR BLANKET HEALTH BENEFIT PLAN
5 THAT PROVIDES MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS
6 THROUGH A CONTRACT WITH ANOTHER ENTITY IS SUBJECT TO THIS SECTION.

7 (C) EACH INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT OFFERS A
8 HEALTH BENEFIT PLAN SUBJECT TO THIS SECTION SHALL SUBMIT TO THE
9 COMMISSIONER A REPORT CERTIFYING AND OUTLINING HOW THE HEALTH BENEFIT
10 PLANS DESIGNATED BY THE COMMISSIONER THAT WILL BE OFFERED FOR THE NEXT
11 PLAN YEAR COMPLY WITH THE ACT AND APPLICABLE STATE MENTAL HEALTH AND
12 ADDICTION PARITY LAWS.

13 (D) (1) THE COMMISSIONER SHALL DESIGNATE THE HEALTH BENEFIT
14 PLANS, IN EACH MARKET IN WHICH THE INSURER OR NONPROFIT HEALTH SERVICE
15 PLAN PARTICIPATES, FOR WHICH A REPORT MUST BE SUBMITTED UNDER
16 SUBSECTION (C) OF THIS SECTION.

17 (2) THE DESIGNATED CONTRACTS SHALL REPRESENT THE FULL
18 RANGE OF PRODUCTS THAT THE INSURER OR NONPROFIT HEALTH SERVICE PLAN
19 OFFERS IN EACH MARKET.

20 (E) THE REPORT:

21 (1) SHALL BE SUBMITTED ON OR BEFORE APRIL 1, 2016, AND ON OR
22 BEFORE APRIL 1 OF EACH YEAR THEREAFTER;

23 (2) SHALL BE A PUBLIC RECORD; AND

24 (3) SHALL IDENTIFY AND BE SUBMITTED BY THE REPRESENTATIVE
25 OF THE INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT IS RESPONSIBLE FOR
26 CONDUCTING A REVIEW OF COMPLIANCE WITH THE ACT AND APPLICABLE STATE
27 MENTAL HEALTH AND ADDICTION PARITY LAWS.

28 (F) THE REPORT SHALL INCLUDE AT A MINIMUM:

29 (1) (I) A LIST OF ALL COVERED AND EXCLUDED MENTAL HEALTH
30 AND SUBSTANCE USE DISORDER BENEFITS BY CLASSIFICATION, AS DEFINED IN THE
31 ACT; AND

1 (II) A DESCRIPTION OF THE STANDARDS AND FACTORS THAT
2 ARE USED TO DETERMINE WHICH MENTAL HEALTH AND SUBSTANCE USE DISORDER
3 BENEFITS AND MEDICAL AND SURGICAL BENEFITS WILL BE EXCLUDED FROM
4 COVERAGE;

5 (2) (I) A LIST OF ANY DIFFERENCES IN THE FINANCIAL
6 REQUIREMENTS AND QUANTITATIVE TREATMENT LIMITATIONS THAT APPLY TO
7 MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND
8 SURGICAL BENEFITS; AND

9 (II) AN EXPLANATION OF WHY ANY DIFFERENT FINANCIAL
10 REQUIREMENT OR QUANTITATIVE TREATMENT LIMITATION FOR MENTAL HEALTH
11 AND SUBSTANCE USE DISORDER BENEFITS ON THE LIST REQUIRED IN ITEM (I) OF
12 THIS ITEM COMPLIES WITH THE ACT;

13 (3) (I) 1. A DESCRIPTION OF THE PROCESS USED TO DEVELOP
14 OR SELECT THE MEDICAL NECESSITY CRITERIA FOR MENTAL HEALTH AND
15 SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL BENEFITS; AND

16 2. AN EXPLANATION OF THE PROCESS BY WHICH A
17 PERSON AUTHORIZED UNDER THE ACT MAY OBTAIN THE MEDICAL NECESSITY
18 CRITERIA;

19 (II) IDENTIFICATION OF ALL NONQUANTITATIVE TREATMENT
20 LIMITATIONS THAT ARE APPLIED THROUGH THE MEDICAL NECESSITY CRITERIA TO
21 MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND
22 SURGICAL BENEFITS; AND

23 (III) 1. A DESCRIPTION OF THE STANDARDS AND FACTORS
24 THAT ARE USED TO DETERMINE WHEN TO APPLY EACH NONQUANTITATIVE
25 TREATMENT LIMITATION IDENTIFIED IN ITEM (II) OF THIS ITEM TO THE MENTAL
26 HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND THE MEDICAL AND
27 SURGICAL BENEFITS; AND

28 2. AN EXPLANATION OF HOW EACH NONQUANTITATIVE
29 TREATMENT LIMITATION IS APPLIED TO THE MENTAL HEALTH AND SUBSTANCE USE
30 DISORDER BENEFITS AND THE MEDICAL AND SURGICAL BENEFITS;

31 (4) (I) A LIST OF ALL UTILIZATION REVIEW REQUIREMENTS THAT
32 APPLY TO MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND
33 MEDICAL AND SURGICAL BENEFITS;

1 (II) A DESCRIPTION OF THE STANDARDS AND FACTORS THAT
2 ARE USED TO DETERMINE WHEN TO APPLY EACH UTILIZATION REVIEW
3 REQUIREMENT TO THE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS
4 AND THE MEDICAL AND SURGICAL BENEFITS; AND

5 (III) A DESCRIPTION OF THE PROCESS THAT HEALTH CARE
6 PROVIDERS OR INSUREDS MUST FOLLOW TO OBTAIN PRIOR, CONCURRENT, OR
7 RETROSPECTIVE AUTHORIZATION FOR MENTAL HEALTH AND SUBSTANCE USE
8 DISORDER BENEFITS AND MEDICAL AND SURGICAL BENEFITS, INCLUDING THE TIME
9 FRAME OR FREQUENCY FOR SEEKING CONTINUED AUTHORIZATIONS;

10 (5) (I) IDENTIFICATION OF ANY NONQUANTITATIVE TREATMENT
11 LIMITATIONS, OTHER THAN THOSE APPLIED THROUGH MEDICAL NECESSITY
12 CRITERIA UNDER ITEM (3) OF THIS SUBSECTION OR THROUGH UTILIZATION REVIEW
13 REQUIREMENTS UNDER ITEM (4) OF THIS SUBSECTION, THAT APPLY TO MENTAL
14 HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL
15 BENEFITS; AND

16 (II) 1. A DESCRIPTION OF THE STANDARDS AND FACTORS
17 THAT ARE USED TO DETERMINE WHEN TO APPLY EACH NONQUANTITATIVE
18 TREATMENT LIMITATION IDENTIFIED IN ITEM (I) OF THIS ITEM TO THE MENTAL
19 HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND THE MEDICAL AND
20 SURGICAL BENEFITS; AND

21 2. AN EXPLANATION OF HOW EACH NONQUANTITATIVE
22 TREATMENT LIMITATION IS APPLIED TO THE MENTAL HEALTH AND SUBSTANCE USE
23 DISORDER BENEFITS AND THE MEDICAL AND SURGICAL BENEFITS;

24 (6) (I) 1. A LIST OF COVERED DRUGS FOR THE TREATMENT OF
25 MENTAL HEALTH AND SUBSTANCE USE DISORDERS;

26 2. IDENTIFICATION OF THE TIER ON WHICH EACH
27 COVERED DRUG IS PLACED; AND

28 3. THE STANDARDS AND FACTORS THAT ARE USED TO
29 DETERMINE THE PLACEMENT OF A COVERED DRUG ON A TIER;

30 (II) IDENTIFICATION OF THE NONQUANTITATIVE TREATMENT
31 LIMITATIONS THAT ARE APPLIED TO EACH COVERED DRUG USED TO TREAT MENTAL
32 HEALTH AND SUBSTANCE USE DISORDERS, INCLUDING:

33 1. AUTHORIZATION REQUIREMENTS;

1 **2. THERAPEUTIC SUBSTITUTION;**

2 **3. STEP THERAPY; AND**

3 **4. DOSAGE LIMITATIONS; AND**

4 **(III) 1. A DESCRIPTION OF THE STANDARDS AND FACTORS**
5 **THAT ARE USED TO DETERMINE WHEN TO APPLY EACH NONQUANTITATIVE**
6 **TREATMENT LIMITATION TO COVERED DRUGS USED TO TREAT MENTAL HEALTH AND**
7 **SUBSTANCE USE DISORDERS AND COVERED DRUGS USED TO TREAT MEDICAL**
8 **CONDITIONS; AND**

9 **2. AN EXPLANATION OF HOW EACH NONQUANTITATIVE**
10 **TREATMENT LIMITATION IS APPLIED TO THE DRUG BENEFITS;**

11 **(7) A DESCRIPTION OF THE NETWORK ADMISSION, CREDENTIALING,**
12 **AND NETWORK CLOSURE STANDARDS OF THE INSURER OR NONPROFIT HEALTH**
13 **SERVICE PLAN FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER PROVIDERS**
14 **AND MEDICAL AND SURGICAL PROVIDERS; AND**

15 **(8) A DESCRIPTION OF THE PROCESS USED BY THE INSURER OR**
16 **NONPROFIT HEALTH SERVICE PLAN FOR DETERMINING THE FEE SCHEDULE AND**
17 **REIMBURSEMENT RATES FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER**
18 **PROVIDERS AND MEDICAL AND SURGICAL PROVIDERS.**

19 **(G) THE COMMISSIONER SHALL IMPOSE:**

20 **(1) AN ADMINISTRATIVE PENALTY OF UP TO \$5,000 FOR EACH**
21 **VIOLATION OF THIS SECTION; AND**

22 **(2) AN ADDITIONAL PENALTY OF UP TO \$1,000 FOR EACH DAY THE**
23 **VIOLATION CONTINUES.**

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2015.**