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BULLETIN 24-5

Date: February 13, 2024

To: Insurers, Nonprofit Health Service Plans, and Health Maintenance Organizations (“Carriers”)

Re: 2024 Mental Health and Substance Use Disorder Analysis Reports and Data Reports

The purpose of this bulletin is to advise carriers of an extension of the deadline to file the non-quantitative treatment limitation (“NQTL”) analysis reports and data reports required under § 15-144 of the Insurance Article, Annotated Code of Maryland, in light of legislation that is currently under consideration by the Maryland General Assembly.

Under § 15-144(c)(1) and (f) of the Insurance Article, carriers are required to file certain NQTL analysis reports and data reports on or before March 1, 2022 and March 1, 2024 to demonstrate compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (“Parity Act”). The enacting legislation for the reporting requirements, Chapter 212, Senate Bill 334, Acts of 2020, also required the Maryland Insurance Administration (“MIA”) to submit to the General Assembly an interim report by December 1, 2023, and a final report by December 1, 2025, summarizing the MIA’s findings after reviewing the reports, and making various recommendations related to the reporting requirements. The Act included a sunset provision, whereby the reporting requirements would be abrogated and of no further force and effect at the end of September 30, 2026.

The MIA submitted its 2023 Interim Report on Nonquantitative Treatment Limitations and Data (“Interim Report”) to the General Assembly on December 1, 2023. The Interim Report included eight specific recommendations for how to streamline the reporting process to improve the effectiveness and efficiency of the MIA’s reviews of the reports in order to accelerate the process for reaching substantive conclusions on Parity Act compliance. As of the date of this Bulletin, two different bills have been introduced during the 2024 legislative session to address the

recommendations from the MIA Interim Report: Senate Bill 684/House Bill 1074 and House Bill 1085. While these bills differ in certain key respects, both bills eliminate the sunset provision from the original Act and propose significant changes to the reporting requirements currently described in § 15-144 of the Insurance Article, implementing many of the MIA's recommendations. Notably, with respect to the filing deadline for 2024, House Bill 1085, which was introduced as an emergency measure, will change the deadline from March 1 to July 1.

In light of the legislation that has been proposed which would directly impact the reports that are otherwise required by § 15-144 of the Insurance Article, and in light of the recommendations calling for legislative response from the General Assembly during the 2024 session in the Interim Report, **the MIA hereby exercises enforcement discretion, pursuant to § 2-201 of the Insurance Article, by extending the deadline to file the 2024 NQTL analysis reports and data reports to July 1, 2024.** In the meantime, the MIA expects carriers to continue to be responsive to requests for additional information and documentation with respect to the ongoing reviews of the reports originally submitted in 2022.

Questions about this Bulletin may be directed to the Life & Health Unit of the Maryland Insurance Administration at 410-468-2170.

KATHLEEN A. BIRRANE
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By:

Signature on Original
David Cooney
Associate Commissioner
Life and Health