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MENTAL HEALTH PARITY REGULATIONS VIRTUAL PUBLIC HEARING NOTICE AND AGENDA

November 1, 2021

1:00 P.M. to 4:00 P.M.

Zoom Webinar video conference: <https://www.zoomgov.com/j/1619930777>

Dial-in number: (646) 828 7666

Webinar ID: 161 993 0777

(Registration and Access Information Below)

On or before December 31, 2021, the Commissioner is required, in consultation with interested stakeholders, to adopt regulations implementing the provisions of § 15-144, which requires health carriers to report on compliance with the federal Mental Health Parity and Addiction Equity Act (MHPAEA). Pursuant to uncodified language in the legislation adopting the reporting requirements, the form of the report required under § 15-144(c) is the National Association of Insurance Commissioners' (NAIC) Data Collection Tool for Mental Health Parity Analysis, Nonquantitative Treatment Limitations (the "NAIC MHPAEA Tool"), as amended by the Commissioner to incorporate the requirements of § 15-144(c), (d) and (e).

The Commissioner held public informational meetings on November 23, 2020, April 26, 2021, and August 31, 2021 to hear from subject matter experts and interested stakeholders on, among other things, those nonquantitative treatment limitations (NQTL) that should be the subject of reporting.

The Commissioner posted draft regulations and draft reporting templates with instructions. Written comments were received and reviewed. Proposed regulations, which were revised based on the comments received, have been submitted for publication in the Maryland Register. The Commissioner has also posted revised templates and instructions to the MIA website.

Many of the public comments addressed concerns about the draft data reporting supplements (data supplements) to allow uniform reporting of data to verify the analysis to show that an NQTL complies with MHPAEA in operation. The Commissioner maintains that an evaluation of quantitative data is essential for completing the "in operation" analysis, and that certain data elements in addition to the specific items included in the data report required by § 15-144(f) are necessary in order to address all of the different NQTLs that will be reported under § 15-144. The Commissioner has not posted revisions to the data supplements, but is asking for

stakeholders to provide additional comments on whether the data supplements should be required at the same time as the report required by § 15-144 of the Insurance Article, at a later date, or as a separate data call. The Commissioner is also interested in comments on the cost of compliance with specific data elements requested in the data supplements, and whether these costs are in addition to the costs of compliance with the MHPAEA reporting requirements of 42 U.S.C. § 300gg-26(a)(8), in particular for health plans that use the Self-Compliance Tool published by the Department of Labor, including the appendices to the Self-Compliance Tool.

The Commissioner hereby invites oral comments from interested stakeholders on the data supplements and the draft proposed reporting templates and instructions.

AGENDA

1. Opening comments from Commissioner Kathleen A. Birrane.
2. Comments by registered speakers concerning the revisions to the templates and instructions, and concerning the data supplements.
3. Comments by unregistered participants.

If you would like to present or offer public comments *during* the virtual public hearing, please notify the MIA in advance of the meeting by submitting your request to MHPAEA.mia@maryland.gov. Because of the nature of the ZOOM Events platform, a special invitation is required to be seen and/or be heard via the platform. For that reason, the MIA can only assure the opportunity to speak during the virtual public hearing to those interested parties who have signed up by Thursday, October 28, 2021 at 5:00 p.m. and provided an e-mail address to which an invitational link to the virtual meeting can be sent.

A public access link that allows individuals to view the virtual public hearing will be posted on the MIA's website. To the extent that time and technology permit, the MIA will hear from unregistered participants who access the Zoom Event platform.