



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

James A. Dodrill
Insurance Commissioner

May 24, 2021

Joint Committee on Government and Finance
Building 1, Room E-140
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610

Re: Commissioner's Annual Report on Mental Health Parity

Honorable Committee Members:

Senate Bill 291, regarding Mental Health Parity, passed the Legislature during the 2020 Session and became effective on June 5, 2020. The substantive provisions of the newly enacted code sections became effective for health insurance policies, contracts, plans or agreements beginning on or after January 1, 2021. Senate Bill 291 (2020) also requires that, on or after June 1, 2021, and annually thereafter, the Insurance Commissioner submit a written report to the Joint Committee on Government and Finance that contains certain information on health plans subject to the newly enacted provisions. Accordingly, I am providing you with this first annual report to update the Legislature on the Insurance Commissioner's actions since Senate Bill 291(2020) was enacted.

Pursuant to the newly enacted W.Va. Code §§33-15-4u, 33-16-3ff, 33-24-7u, 33-25 -8r, and 33-25A-8u, the Insurance Commissioner was required to promulgate legislative rules for consideration by the Legislature during the 2021 Legislative Session, which specified the information and analyses that insurance carriers must provide to the Commissioner necessary for the Commissioner to complete an annual report to the Joint Committee on Government and Finance. The rule was to delineate the format in which insurance carriers are to submit the required information and analyses and must require that each insurance carrier first submit the report to the Commissioner no earlier than one year after the rules are promulgated, and any year thereafter during which the carrier makes significant changes to how it designs and applies medical management protocols. The Insurance Commissioner completed the rule as required by the Legislature, W.Va. Code St. R. §114-64-1, *et seq.* The rule was passed as part of the Department of Revenue "rules bundle," Senate Bill 160 (2021), on March 23, 2021, and approved by the Governor on April 1, 2021. The Insurance Commissioner filed the final rule with the Secretary of State on April 14, 2021, and it was effective May 1, 2021.



As noted, the rule also requires our office to issue a data call annually to insurance carriers subject to the rule but provides the first report from insurance carriers be made no earlier than one year after the rule is promulgated. Additionally, as the substantive provisions of the newly enacted code sections only became effective for health insurance policies, contracts, plans or agreements beginning on or after January 1, 2021, there is not yet a full year's worth of data available to collect. However, the Insurance Commissioner is currently developing an electronic reporting format or portal to collect the data required from insurance carriers. I anticipate that the first data call will be issued in March 2022, with a due date of April 2022. This data will be used to prepare the Annual Report on Mental Health Parity due June 1, 2022 to the Joint Committee on Government and Finance.

I look forward to sharing this information with the Committee in the future on this very important topic. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



James A. Dodrill
Insurance Commissioner