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**SENATE JOINT RESOLUTION NO. 74**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Rules  
on February 12, 2010)

(Patron Prior to Substitute—Senator Hanger)

*Requesting the Bureau of Insurance of the State Corporation Commission to collect data and information on the coverage provided by health insurers, health services plans, and health maintenance organizations for substance abuse treatment services. Report.*

WHEREAS, substance abuse is a significant problem affecting many residents of Virginia; and

WHEREAS, pursuant to §§ 38.2-3412.1 and 38.2-3412.1:01 of the Code of Virginia, the Commonwealth has mandated coverage of substance abuse services in the fully insured market since 1993 and parity coverage of substance abuse services for biologically based mental illness in the fully insured group market since 1999; and

WHEREAS, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (P.L. 110-343) requires large employer group health insurance providers who provide coverage for mental health and substance abuse services to do so in a nondiscriminatory manner, so that copayment requirements, deductibles, day and visit limits, annual and lifetime caps, and other elements of coverage for substance abuse and mental health treatment services are equal to those for medical services; and

WHEREAS, substance abuse treatment insurance parity requirements increase access to medically necessary services for insured persons in need of substance abuse treatment services and may reduce the cost of substance abuse and substance abuse treatment services to the Commonwealth; and

WHEREAS, the Commonwealth of Virginia required coverage of substance abuse services nine years before federal enactment of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; and

WHEREAS, the Bureau of Insurance of the State Corporation Commission is the state agency charged with ensuring that citizens of the Commonwealth are provided with access to adequate and reliable insurance protection and that insurance companies conduct their business according to statutory and regulatory requirements and acceptable standards of conduct; and

WHEREAS, it is necessary to understand the impact of coverage for substance abuse treatment services and citizens' access to substance abuse treatment services through the fully insured market in the Commonwealth and to ensure that insurance coverage is being provided and administered in compliance with federal and state laws and regulations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Bureau of Insurance of the State Corporation Commission be requested to collect data and information on the coverage provided by health insurers, health services plans, and health maintenance organizations for substance abuse treatment services. The data collection shall include (i) the number of complaints received in 2009 by health insurers, health services plans, and health maintenance organizations regarding coverage of substance abuse services as reported by these entities pursuant to § 38.2-511 and subsection C of § 38.2-5804 of the Code of Virginia; (ii) the number of complaints the Bureau of Insurance received in 2009 concerning coverage of substance abuse services by health insurers, health services plans, and health maintenance organizations pursuant to § 38.2-3412.1 of the Code of Virginia; and (iii) cost and utilization information for substance abuse services, which shall be reported by health insurers, health services plans, and health maintenance organizations to the Bureau in a manner consistent with the substance abuse information reported pursuant to § 38.2-3419.1 of the Code of Virginia. As a result of the information collected, the Bureau of Insurance shall recommend any steps that the Commonwealth may take to address barriers to mandated insurance coverage of substance abuse services.

All agencies of the Commonwealth shall provide assistance to the Bureau of Insurance in collecting the information, upon request.

The Commissioner of the Bureau of Insurance shall submit to the Division of Legislative Automated Systems an executive summary, the data and information collected, and recommendations no later than the first day of the 2011 Regular Session of the General Assembly. The executive summary, data and information collected, and recommendations shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.