

# STATE OF NEW YORK

9683

## IN ASSEMBLY

April 3, 2024

Introduced by M. of A. K. BROWN, CHANG, CURRAN, DeSTEFANO -- read once  
and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring the superintendent of financial services to audit certain reports submitted by insurers to ensure such insurers are in full compliance with federal and state mental health and substance use disorder parity requirements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subsection (a) of section 343 of the insurance law, as  
2 added by chapter 207 of the laws of 2019, is amended to read as follows:  
3 (a) (i) Beginning July first, two thousand nineteen and every two  
4 years thereafter, each insurer providing managed care products, individual  
5 comprehensive accident and health insurance or group or blanket  
6 comprehensive accident and health insurance, each corporation organized  
7 pursuant to article forty-three of this chapter providing comprehensive  
8 health insurance and each entity licensed pursuant to article forty-four  
9 of the public health law providing comprehensive health service plans  
10 shall submit to the superintendent, in a form and manner prescribed by  
11 the superintendent, a report detailing the entity's compliance with  
12 federal and state mental health and substance use disorder parity laws  
13 based on the entity's record during the preceding two calendar years.  
14 The superintendent shall publish on the department's website on or  
15 before October first, two thousand nineteen, and every two years thereafter,  
16 the reports submitted pursuant to this section.  
17 (ii) The superintendent shall audit each report submitted pursuant to  
18 this section. Such audit shall include, but not be limited to, an exam-  
19 ination of each such report submitted by the insurer for the purpose of  
20 determining if such insurer is in full compliance with federal and state  
21 mental health and substance use disorder parity requirements. In addi-  
22 tion, the superintendent shall investigate all credible allegations of  
23 insurer improprieties and noncompliance. Where the superintendent makes  
24 a determination that an insurer has willfully violated federal or state  
25 mental health and substance use disorder parity requirements, the super-  
26 intendent shall provide such findings, including the reason or reasons

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 for making such determination, to the office of the attorney general.  
2 The attorney general shall consider the superintendent's findings and,  
3 upon agreement with the superintendent's determination, shall commence  
4 an action in the name of the people of the state to enforce an insurer's  
5 required compliance with federal and state mental health and substance  
6 use disorder parity requirements.

7 § 2. This act shall take effect immediately.