STATE OF NEW YORK

9927

IN SENATE

April 16, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Subsection (a) of section 343 of the insurance law, as added by chapter 207 of the laws of 2019, is amended to read as follows:

(a) **(i)** Beginning July first, two thousand nineteen and every two years thereafter, each insurer providing managed care products, individual comprehensive accident and health insurance or group or blanket comprehensive accident and health insurance, each corporation organized pursuant to article forty-three of this chapter providing comprehensive health insurance and each entity licensed pursuant to article forty-four of the public health law providing comprehensive health service plans shall submit to the superintendent, in a form and manner prescribed by the superintendent, a report detailing the entity's compliance with federal and state mental health and substance use disorder parity laws based on the entity's record during the preceding two calendar years. The superintendent shall publish on the department's website on or before October first, two thousand nineteen, and every two years thereafter, the reports submitted pursuant to this section. **The superintendent shall also publish on the department's website a summary of these reports to assist stakeholders and the general public in reviewing, understanding and evaluating any data compiled as part of the audit process including but not limited to a summary of the data as required by paragraph one of subsection (b) of this section, comparison of the data provided by each insurer providing managed care products, individual comprehensive accident and health insurance or group or blanket comprehensive accident and health insurance, each corporation organized pursuant to article forty-three of this chapter providing comprehensive health insurance and each entity licensed pursuant to article forty-four**

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

LBD09643-03-6

of the public health law providing comprehensive health service plans for each, overall ranking for each insurer, major findings, any corrective actions required to be taken, any fines or penalties levied as a result, and recommendations to enhance compliance with federal and state mental health and substance use disorder parity laws. The department shall provide a copy of the report to the governor, the temporary president of the senate, the speaker of the assembly, and members of the legislature.

(ii) The superintendent shall audit each report submitted pursuant to this section. Such audit shall include, but not be limited to, an examination of each such report submitted by the insurer for the purpose of determining if such insurer is in full compliance with federal and state mental health and substance use disorder parity requirements. In addition, the superintendent shall investigate all credible allegations of insurer improprieties and noncompliance. Where the superintendent makes a determination that an insurer has willfully violated federal or state mental health and substance use disorder parity requirements, the superintendent shall provide such findings, including the reason or reasons for making such determination, to the office of the attorney general. The attorney general shall consider the superintendent's findings and, upon agreement with the superintendent's determination, shall commence an action in the name of the people of the state to enforce an insurer's required compliance with federal and state mental health and substance use disorder parity requirements.

§ 2. This act shall take effect immediately.