



**National Association of
Insurance Commissioners**

2009 Fall National Meeting
Washington, DC

REGULATORY FRAMEWORK (B) TASK FORCE

Tuesday, September 22, 2009

10:30 a.m. – 12:00 noon

Gaylord Convention Center—National Harbor 10-11—National Harbor Level

Scott J. Kipper, Chair	Nevada	Monica Lindeen	Montana
William W. Deal, Vice Chair	Idaho	Ann Frohman	Nebraska
Jim L. Ridling	Alabama	Roger A. Sevigny	New Hampshire
Steve Poizner	California	Mary Jo Hudson	Ohio
Karen Weldin-Stewart	Delaware	Teresa Miller	Oregon
Kevin McCarty	Florida	Joel Ario	Pennsylvania
Michael T. McRaith	Illinois	Merle D. Scheiber	South Dakota
Carol Cutter	Indiana	Leslie A. Newman	Tennessee
Mila Kofman	Maine	Kent Michie	Utah
Ralph S. Tyler, III	Maryland	Paulette Thabault	Vermont
Glenn Wilson	Minnesota	Alfred W. Gross	Virginia
Mike Chaney	Mississippi	Jane L. Cline	West Virginia
John Huff	Missouri	Sean Dilweg	Wisconsin

AGENDA

- 1. Roll Call**
- 2. Review and Adoption of Proposed 2010 Charges**
- 3. CMS/DOL Discussion of HIPAA and Other Issues (*Representatives Invited*)**
- 4. Update on Revisions to NAIC Models Related to GINA and SCHIP**
- 5. Discussion of Revisions and Comments Received on External Review Model Notices**
- 6. Update on Survey Related to Individual Health Insurance Policy Rescission Decisions**
- 7. Consider Receipt/Adoption of ERISA Subgroup Report**
- 8. Any Other Matters Brought Before the Task Force**
- 9. Adjournment**

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TRACKING OF STATE IMPLEMENTATION OF MHPAEA AND GINA LAWS (SEPT. 2009)

NAIC MEMBER	Action by legislature required for Mental Health Parity? (Include date of action, or anticipated date).	Action by legislature required for GINA? (Include date of action, or anticipated date).	If legislative action not required for Mental Health Parity, describe action taken or to be taken (Include date of action or anticipated date).	If legislative action not required for GINA, describe action taken or to be taken (Include date of action or anticipated date).	If no action is to be taken for either Mental Health Parity or GINA, explain why.	Citation of State Mental Health Parity Law	Citation of State GINA Law	Staff Contact (name, phone, email)
Alabama	Yes, anticipates amending mental health law in 2010.	Yes, anticipates amending genetic testing for cancer law in 2010.	NA	NA	NA	§ 27-54-1 <i>et seq</i> Code of Alabama 1975	§ 27-53-1 <i>et seq</i> Code of Alabama 1975	Kathleen Healey, (334) 269-3550. Email: Kathleen.Healey@insurance.alabama.gov
Alaska	Legislation enacted effective 10/2/09.	Legislation enacted effective 5/21/09.	NA	NA	NA	AS § 21.36.093 and § 21.42.365	AS § 21.54.151	Katie Campbell, (907) 465-4607. Email: Katie.Campbell@alaska.gov
American Samoa								
Arizona								
Arkansas	Yes, action taken in 2009 (Act 1179)	No	NA	Action taken in 2001 (Act 1221) and in 1997 (Act 997)	NA	§ 23-99-501	§ 23-66-320 and § 23-86-306	Bob Alexander, (501) 371-2820. Email: bob.alexander@akansas.gov
California								
Colorado	Yes, incorporated in HB09-1338	Yes, incorporated in HB09-1338	NA	NA	NA	§ 10-16-104(5) and § 10-16-104(5)(e), (5)(f), (5)(g), (5.5)(b)	§ 10-3-1104.6 and § 10-3-1104.7	Peg Brown, (303) 894-7501. Email: peg.brown@dora.state.co.us

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Connecticut	*	*	*	*	*	*	*	Mary Ellen Breault, (860) 297-3857. Email: maryellen.breault@ct.gov
Delaware	*	*	*	*	*	*	*	Linda Nemes, (302) 674-7373. Email: Linda.Nemes@state.de.us
District of Columbia	*	*	*	*	*	*	*	Philip Barlow, (202) 442-7823. Email: Philip.barlow@dc.gov
Federated States of Micronesia								
Florida	Yes, anticipating proposing legislation in 2010	No	Yes, anticipating proposing legislation in 2010	Action taken see statute	NA	NA	§ 627.4301 Florida Statutes	Mary Beth Senkewicz, (850) 413-5104. Email: MaryBeth.Senkewicz@floi.com
Georgia								
Guam								
Hawaii	No, action taken in 2009	No, action taken in 2009	Taken in 2009	Taken in 2009	NA	Hawaii Rev. Stat. Chapter 431M	Hawaii Rev. Stat. §§ 431:10A-118, 431:10A-404.5, 432:1-607, 432:2-404.5, 432D-26	Lloyd Lim, (808) 586-2790. Email: llim@dcca.hawaii.gov

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Idaho	No	No	Addressed in Idaho Bulletin No. 00-1 published 1/31/2000, which will be replaced based on the federal mental health parity law.	Action taken in 2006. Also, anticipates issuing a bulletin alerting carriers of the provisions of the Idaho Law and GINA.	NA	NA	Idaho Code 41-1313	Joan Krosch, (208) 334-4300. Email: joan.krosch@doi.idaho.gov
Illinois	Yes, drafted legislation to be introduced in Oct. 2009 to augment existing laws on the subject and for consistency with the federal law.	No	NA	Existing laws provide equal or greater protection and rights for individuals than those for under GINA.	NA	215 ILCS 5/370c and P.A. 95-1005	215 ILCS 5/356v and 410 ILCS 513/1 – Genetic Information Privacy Act	Josef Weimholt, (312) 814-5436. Email: Joe.Weimholt@illinois.gov
Indiana								

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Iowa	*	No	*	Action taken in by administrative rule, effective 5/22/09	*	*	Iowa Administrative Code 191-15.11(5)	Rosanne Mead, (515) 281-4242. Email: Rosanne.mead@iid.iowa.gov (GINA) Angela Burke Boston, (515) 281-4119. Email: angela.burke.boston@iid.iowa.gov
Kansas								
Kentucky	Probably yes, in 2010	Yes	NA	NA	NA	NA	NA	Melea Rivera, (502) 564-6088. Email: melea.rivera@ky.gov
Louisiana	No	No	Louisiana enacted legislation in 1981. During the 1999, Act No. 1309 was enacted providing for mental health parity.	Louisiana enacted legislation related to genetic testing in 1997. Legislation enacted during the 2009 Session incorporated the GINA provisions.	NA	§1043	§ 1023	Karen Reiners Winfrey, (225) 342-1355. Email: kwinfrey@ldi.state.la.us Claire Lemione, (225) 342-4242. Email: clemione@ldi.state.la.us

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Maine	Possibly, the Maine Bureau of Insurance currently has authority to substantially enforce the federal mental health parity act, but is considering whether it is necessary to propose specific requirements to comply with the Act.	No	Maine Bureau of Insurance currently has authority to substantially enforce the federal mental health parity act,	Maine Public Law 2009 Chapter 244, Part D amended existing law to comply with GINA	NA	Title 24A M.R.S.A. § 2843	Maine Public Law 2009 Chapter 244, Part D	Norm Stevens, (207) 624-8418. Email: Norman.a.Stevens@maine.gov Rick Diamond, (207) 624-8428. Email: Richard.h.diamond@maine.gov
Marshall Islands								

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Maryland	Yes, plans to submit departmental legislation for the 2010 Session.	No	NA	Both Maryland Insurance Administration staff and CMS reviewed current law on the subject and found no additional legislation needed to meet GINA requirements. But could make changes in law in the future to more closely mirror GINA provisions.	NA	Current law on the subject - §15-802 of the Insurance Article and §19-703.1 of the Health-General Article	§27-909 of the Insurance Article	Brenda Wilson, (410) 468-2212. Email: bwilson@mdinsurance.state.md.us
Massachusetts	No	*	Enacted legislation in 2008 just prior to the enactment of MHPAEA	*	NA	Chapter 256 of the Acts of 2008.	*	Erin Bagley, (617) 521-7385. Email: erin.b.bagley@state.ma.us Nancy Schwartz, (617) 521-7347. Email: nancy.schwartz@state.ma.us

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Michigan	Yes, anticipates introducing legislation in the Fall.	Yes, anticipates introducing legislation in the Fall.	NA	NA	NA	None at this time	None at this time	Teresa Pizana, (517) 241-4489. Email: pizant@michigan.gov
Minnesota								
Mississippi	Yes, but, at this time, has no immediate plans to incorporate the MHPAEA provisions.	Yes, but, at this time, has no immediate plans to incorporate the GINA provisions.	NA	NA	NA	NA	NA	Aaron R. Sisk, (601) 359-3577. Email: aaron.sisk@mid.state.ms.us
Missouri								

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Montana	Yes, but still deciding what action to take.	No	NA	Already has nondiscrimination law in the code	NA	§33-22-706, but most likely will have to revise in order to comply with MHPAEA's full parity requirements.	Title 33, Chapter 18, part 9	Christina Goe, (406) 444-1942. Email: cgoe@mt.gov
Nebraska	Possibly, awaiting the federal rules. If changes are made, anticipates doing so in 2010.	Possibly, depending on the results of a CMS review of current state law. If changes need to be made, anticipates doing so in 2010.	NA	NA	NA	44-769 and 44-770 thru 44-782	44-7,100	Martin Swanson, (402) 471-4648. Email: martin.swanson@nebraska.gov Holly Blanchard, (402) 471-4742. Email: holly.blanchard@nebraska.gov
Nevada	No	No*	Adopted in SB426 in 2009	Adopted in SB426 in 2009*	NA	SB 426 has not been codified yet	Chapter 687B of NRS.	Jack Childress, (775) 687-4270 ext 293. Email: jchildres@doi.state.nv.us

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New Hampshire	Yes, in the process of rule-making	Yes, in the process of rule-making	NA	NA	NA	Not yet available	Not yet available	Michael Wilkey, (603) 271-2261, ext. 330. Email: Michael.wilkey@ins.nh.gov
New Jersey								
New Mexico	Yes, most likely. Current state law does not go as far as the federal law.	*	NA	NA	NA	NMSA § 59A-23-6	*	Melinda Silver, (505) 827-6904. Email: Melinda.silver@state.mn.us
New York	No	Yes, introduced legislation in 2009 Session.	Plans to issue guidance in a circular letter to industry, advocates and the public as to the federal law impacts New York law on the subject.	NA	NA	NA	§4224(b) and proposed §§3221(1)(18) and 4306-c of the New York State Insurance Law	MHPAEA: Thomas Fusco, (518) 473-7470. Email: tfusco@ins.state.ny.us GINA: Lisette Johnson, (518) 486-7815. Email: ljohnson@ins.state.ny.us Brian Garvey, (518) 486-7815. Email: bgarvey@ins.state.ny.us
North Carolina	Yes, HB 1183 of 2009	Yes, HB 1183 of 2009	NA	NA	NA	Sections 19-22 of HB 1183	Section 18 of HB 1183	Ted Hamby, (919) 733-5060, ext. 349. Email: ted.hamby@ncdoi.gov

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North Dakota								
Northern Mariana Islands								
Ohio	*	No*	*	Most likely will issue a bulletin apprising people of the existence of GINA.	*	*	Bulletin not yet finalized	Katherine Melton, (614) 644-2548. Email: Katherine.melton@insurance.ohio.gov
Oklahoma	Yes, amendments to existing law are required. Legislative action will most likely occur in 2010	Yes, amendments to existing law are required. Legislative action will most likely occur in 2010	NA	NA	NA	Existing law 36 O.S. 6060.10 – 6060.13	Existing law 36 O.S. 3614.1-.4	Kathie Stepp, (405) 522-4609. Email: Kathie.stepp@oid.ok.gov

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Oregon	Possibly, plans to review federal law in more detail to see if legislation is needed.	Oregon Insurance Division and the Advisory Committee on Genetic Privacy and Research are examining whether legislation is needed to reconcile any differences between existing law and GINA.	NA	NA	NA	§ 743A.168	Oregon Genetic Privacy Act, ORS 192-531 to 192-549	MHPAEA: Anthony Behrens, (503) 947-7129. Email: Anthony.a.behrens@state.or.us GINA: Jeannette Holman, (503) 947-7234. Email: jeannette.holman@state.or.us Gayle Woods, (503) 947-7217. Email: gayle.woods@state.or.us
Palau								
Pennsylvania	Yes, HB 1593	Yes, HB 1593	NA	NA	NA	Legislation pending	Legislation pending	Shelley Bain, (717) 787-0873. Email: sbain@state.pa.us Sandra Ykema, (717) 787-2567. Email: sykema@state.pa.us

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Puerto Rico								
Rhode Island								
South Carolina	Yes, enacted legislation: 2009 S.C. Act No. 50 (R. 69. S. 390)	Yes, will introduce legislation for 2010 Sessions	NA	NA	NA	§ 38-71-880 of S.C. Code	Not available	Leslie Jones, (843) 577-3413. Email: ljones@doi.sc.gov
South Dakota	No	No	Plans on incorporating by administrative rule no later than July 2010	Plans on incorporating by administrative rule no later than July 2010	NA	NA	NA	Randy Moses, (605) 773-3563. Email: randy.moses@state.sd.us Melissa Klemann, (605) 773-3563. Email: Melissa.klemann@state.sd.us
Tennessee	Yes, most likely, but, at this point, no discussions to do so	*	NA	*	*	Not available	*	LaCosta Wix, (615) 253-7848. Email: lacosta.wix@state.tn.us
Texas								

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Utah	*	Yes, changes would have to be made in 2010.	*	NA	*	*	Title 26, Chapter 45, Genetic Testing Privacy Act; § 31A-22-1602	Tanji Northrup, (801) 538-1801. Email: tnorthrup@utah.gov
Vermont								
Virgin Islands								
Virginia	Possibly, still evaluating the federal law and its impact on existing state law.	NA	NA	NA	Have no plans to incorporate the GINA requirements at this time. Believes existing law sufficiently addresses GINA's requirements	Existing law: §§ 38.2-3412.1 and 38.2-3412.1:01	§ 38.2-508.4; 14VACS-170-215	Jackie Cunningham, (804) 371-9748. Email: Jackie.cunningham@scc.virginia.gov
Washington								

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West Virginia	Yes, enacted HB 3288, which changed existing state law and authorized the commissioner to implement rules.	No	NA	*	NA	Not available	*	Timothy Murphy, (304) 558-6279, ext 1210. Email: timothy.murphy@wvinsurance.gov
Wisconsin	No	No	Existing law is sufficient	Existing law is sufficient	NA	*	Wis. Stat. § 631.89 and § 632.89 and Ins s. 3.39 (36), Wis. Adm. Code	Julie Walsh, (608) 264-8101. Email: Julie.walsh@wisconsin.gov
Wyoming	No	No	Does not intend to take action related to MHPAEA due to the nature of the type of Wyoming employers.	Has basic GINA protections already in place	NA	NA	Wyo State. 26-19-107 (f) and (g)	Lloyd Wilder, (307) 777-6807. Email: lwilde@state.wy.us