



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Insurance Commission

TITLE-SERIES: 114-64

RULE TYPE: Legislative

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10, 33-15-4u, 33-16-3ff, 33-24-7u, 33-25-8r, and 33-25A-8u.

RULE NAME: 114-64 Mental Health Parity

PLEASE SELECT A SUNSET PROVISION OPTION:

EXTEND THE SUNSET DATE OF THE RULE.

10 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS INCORPORATED BY REFERENCE

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The OIC proposes extending the sunset date for 114 CSR 64, Mental Health Parity. During the 2020 Legislative Session, Senate Bill 291 was passed which required that every insurance policy, contract, plan or agreement that is issued or renewed after January 1, 2021, provide parity regarding coverage for behavioral health, mental health and substance use disorders and medical and surgical benefits. Further, a written report was required to be annually submitted by the Insurance Commissioner beginning June 1, 2021, to the Joint Committee on Government and Finance regarding insurer compliance with mental health parity laws. Finally, the legislation required the Insurance Commissioner to propose a legislative rule for consideration during the 2021 Legislative Session which specified the information that insurers should provide to the OIC for completion of the annual report. This rule was promulgated in 2021 because of that legislative directive. The controlling statute remains unchanged from 2020 and, accordingly, the rule needs extended.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

This rule was amended in 2021 because of 2020 legislation (SB 291). The 2020 statutory requirements regarding mental health parity standards and reporting remain unchanged in statute and, thus, the rule requires extension.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No additinal impact.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

No additional impact.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Anoop Bhasin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.