

Technical Amendment
August 1, 2024

806 KAR 17:585. Annual report mental health parity nonquantitative treatment limitation compliance.

RELATES TO: KRS 304.1-050(1), 304.17A-660, 304.17A-669, 45 C.F.R. 146.136, 45 C.F.R. 147.160, 42 U.S.C. 300gg-26

STATUTORY AUTHORITY: KRS 304.2-110, 304.17A-661

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17A-661 requires an insurer that issues or renews a health benefit plan to annually report to the commissioner the self-compliance with the federal Mental Health Parity and Addiction Equity Act, 42 U.S.C. 300gg-26, related to nonquantitative treatment limitations between medical and surgical benefits and mental health substance use disorder benefits, to demonstrate that these treatment limitations are applied comparably and requires the commissioner to establish a form for this purpose. This administrative regulation establishes the format and submission time frame for the data reporting requirements in KRS 304.17A-661.

Section 1. Definitions.

- (1) "Commissioner" is defined by KRS 304.1-050(1).
- (2) "Insurer" is defined by KRS 304.17A-005(29).
- (3) "Nonquantitative treatment limitations" as defined by KRS 304.17A-660(3).

Section 2. Data Reporting Requirements.

- (1) An insurer that issues or renews a health benefit plan and is authorized to write health insurance in this state shall submit an annual report containing the information described in KRS 304.17A-661 on the Nonquantitative Treatment Limitation (NQTL) Reporting Submission Form to the commissioner by April 1st of each year for the previous plan year.
- (2) The report shall be submitted electronically through:
 - (a) Email; or
 - (b) A portal designated for this purpose.

Section 3. Material Incorporated by Reference.

- (1) "Nonquantitative Treatment Limitation (NQTL) Reporting Submission Form", ~~8/2022~~~~[5/2022]~~ is incorporated by reference.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 pm. This material is also available on the Department's Web site at <https://insurance.ky.gov/ppc/CHAPTER.aspx>.
- (40 Ky.R. 1518; Am. 2126; eff. 3-20-2014; TAm 3-11-2016; 44 Ky.R. 55; eff. 7-17-2017; TAm eff. 11-30-2017; TAm eff. 9-28-2023.)

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