

<b>LFC Requester:</b>	<b>Anne Hanika-Ortiz</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

<b>Original</b>	<input checked="" type="checkbox"/>	<b>Amendment</b>	<input checked="" type="checkbox"/>	<b>Date</b>	<u>January 30, 2015</u>
<b>Correction</b>	<input type="checkbox"/>	<b>Substitute</b>	<input type="checkbox"/>	<b>Bill No:</b>	<u>HB 224</u>

<b>Sponsor:</b>	<u>Rep. James Roger Madalena</u>	<b>Agency Code:</b>	<u>Attorney General's Office</u>
<b>Short</b>	<u>Behavioral Health Benefit</u>	<b>Person Writing</b>	<u>Patricia Padrino Tucker, AAG</u>
<b>Title:</b>	<u>Parity</u>	<b>Phone:</b>	<u>505-222-9082</u>
		<b>Email</b>	<u>ptucker@nmag.gov</u>

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis: House Bill 224 enacts sections of various Acts creating parity between behavioral health benefits and other benefits, and repeals sections of other Acts describing limitations on alcohol dependency coverage. HB 224 also amends the Health Insurance Portability Act to remove sections allowing employers options for defraying the cost of additional premiums for insurance including mental health coverage, and inserts a section which requires the employer to offer behavioral health coverage with all insurance options.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

House Bill 224 amends certain Acts to bring them in line with the parity provisions of the federal Affordable Care Act. Further amendments prevent employers from offering more than one health plan option with different levels of behavioral health coverage. Sections removed allow the employer to defray the cost of additional premiums in various way, including through employee contributions. The federal Affordable Care Act, Mental Health Parity and Addiction Equity Act exempts “small employers” (either 50 employees or 100 employees depending) from its requirements. Therefore, the amendments appear to require a more stringent approach than the Affordable Care Act. But even if the amended sections put more stringent requirements on employers than the Affordable Care Act, this more stringent approach by the states is allowable under the Act. However, such stringent requirements, whether required by the Affordable Care Act or not, put a financial burden on employers.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status quo**

**AMENDMENTS**

N/A