

**SENATE BILL NO. 45**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATORS DUNBAR, Gray-Jackson

Introduced: 1/22/25

Referred: Health and Social Services, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act relating to medical assistance services; relating to parity in mental health and**  
2    **substance use disorder coverage in the state medical assistance program; and providing**  
3    **for an effective date."**

4    **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5        \* **Section 1.** AS 47.07.030 is amended by adding a new subsection to read:

6                (i) In providing the services required under this section, the department shall  
7                comply with the mental health or substance use disorder benefit requirements  
8                established under 26 U.S.C. 9812, 29 U.S.C. 1185a, and 42 U.S.C. 300gg-26.

9        \* **Sec. 2.** AS 47.07 is amended by adding a new section to read:

10               **Sec. 47.07.033. Parity in mental health and substance use disorder**  
11               **benefits.** The commissioner of health shall implement and ensure compliance with the  
12               provisions of 26 U.S.C. 9812, 29 U.S.C. 1185a, and 42 U.S.C. 300gg-26 that are  
13               applicable to the state medical assistance program, including

14                       (1) evaluating all consumer and provider complaints regarding mental

1 health and substance use disorder coverage for possible parity violations;

2 (2) performing parity compliance examinations on nonquantitative  
3 treatment limitations, including prior authorization, concurrent review, retrospective  
4 review, step therapy time-based treatment plans, network admission standards,  
5 reimbursement rates, and geographic restrictions; and

6 (3) conducting comparative analyses of how the state medical  
7 assistance program designs and applies nonquantitative treatment limitations, as  
8 written and in operation, for mental health and substance use disorder coverage and  
9 medical and surgical benefits.

10 \* **Sec. 3.** AS 47.07.076 is amended by adding a new subsection to read:

11 (d) The department shall submit an annual report on mental health and  
12 substance use disorder coverage parity in the state medical assistance program to the  
13 senate secretary and the chief clerk of the house of representatives on or before  
14 March 1 and shall notify the legislature that the report is available. The report must

15 (1) describe the processes used to develop or select the medical  
16 necessity criteria for mental health and substance use disorder benefits and for medical  
17 and surgical benefits;

18 (2) identify all nonquantitative treatment limitations that are applied to  
19 mental health and substance use disorder benefits and medical and surgical benefits  
20 within each classification of benefits;

21 (3) analyze whether the medical necessity criteria and nonquantitative  
22 treatment limitations applied to mental health and substance use disorder benefits are  
23 comparable to the medical necessity criteria and nonquantitative treatment limitations  
24 for medical and surgical benefits, and whether the criteria and limitations are applied  
25 more stringently to mental health and substance use disorder benefits than to medical  
26 and surgical benefits within the corresponding classification of benefits; at a  
27 minimum, the results of the analysis must

28 (A) identify the factors used to determine when a  
29 nonquantitative treatment limitation will apply to a benefit, including factors  
30 that were considered but rejected;

31 (B) identify and define the specific evidentiary standards used

1 to define the factors and any other evidence relied on in designing each  
2 nonquantitative treatment limitation;

3 (C) provide the comparative analyses, including the results of  
4 the analyses, performed to determine whether processes and strategies used to  
5 design each nonquantitative treatment limitation, as written and in operation,  
6 applied to mental health and substance use disorder benefits are comparable to  
7 and are not applied more stringently than the processes and strategies used to  
8 design each nonquantitative treatment limitation to medical and surgical  
9 benefits; and

10 (D) disclose the specific findings and conclusions reached by  
11 the department that indicate whether the state medical assistance program is in  
12 compliance with this section, 26 U.S.C. 9812, 29 U.S.C. 1185a, and 42 U.S.C.  
13 300gg-26.

14 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 REPORT TO LEGISLATURE. Not later than March 1, 2026, the commissioner of  
17 health shall prepare and submit a report to the senate secretary and the chief clerk of the house  
18 of representatives and notify the legislature that the report is available. The report must

19 (1) explain the methodology used by the commissioner to determine  
20 compliance with 26 U.S.C. 9812, 29 U.S.C. 1185a, and 42 U.S.C. 300gg-26;

21 (2) identify market examinations conducted or completed during the preceding  
22 12-month period regarding compliance with parity in mental health and substance use  
23 disorder benefits under state and federal laws and summarize the results of the market conduct  
24 examinations;

25 (3) detail any educational or corrective actions the commissioner has taken to  
26 ensure compliance with 26 U.S.C. 9812, 29 U.S.C. 1185a, and 42 U.S.C. 300gg-26;

27 (4) be written in nontechnical, readily understandable language; and

28 (5) be posted on the publicly available Internet website of the Department of  
29 Health and be made available to the public through any other means the commissioner finds  
30 appropriate.

31 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 MEDICAID STATE PLAN. The Department of Health shall submit, as necessary for  
3 approval by the United States Department of Health and Human Services, amendments to the  
4 state plan under AS 47.07.040 to comply with the requirements of the mental health or  
5 substance use disorder benefits established under 26 U.S.C. 9812, 29 U.S.C. 1185a, and 42  
6 U.S.C. 300gg-26.

7 \* **Sec. 6.** The uncoded law of the State of Alaska is amended by adding a new section to  
8 read:

9 **CONDITIONAL EFFECT; NOTIFICATION.** (a) Sections 1 - 4 of this Act take effect  
10 only if, and to the extent that, the United States Department of Health and Human Services  
11 approves amendments submitted in accordance with sec. 5 of this Act on or before  
12 December 31, 2025.

13 (b) The commissioner of health shall notify the revisor of statutes in writing within 30  
14 days after the United States Department of Health and Human Services approves amendments  
15 to the state plan.

16 \* **Sec. 7.** If secs. 1 - 4 of this Act take effect, they take effect the day after the United States  
17 Department of Health and Human Services approves the amendments to the state plan under  
18 sec. 6 of this Act.