AMENDMENT NO. 2

Purpose: To provide the Secretary of Labor with increased authority to levy monetary penalties on health insurers and funders, and authority to independently launch investigations of health insurers, for violations of the mental health parity requirements.


S. 2680

To address the opioid crisis.

Referred to the Committee on ____________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. Murphy

Viz:

1 At the appropriate place, insert the following:

2 SEC. ___. AUTHORITY TO ENFORCE MENTAL HEALTH PARITY PROVISIONS.

3 (a) IN GENERAL.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

4 (1) in subsection (a), by striking paragraph (6)

5 and inserting the following:

6 “(6) by the Secretary to collect any civil penalty

7 assessed by the Secretary under subsections (c), (i),

8 or (l);”;
(2) in subsection (b)(3)—

(A) by striking “subsections (c)(9) and” and inserting “subsection”;

(B) by striking “under subsection (c)(9)” and inserting “under subsections (c)(10) and (c)(13)”;

(C) by adding at the end the following:

“This paragraph shall not apply with respect to enforcement by the Secretary of section 712.”;

and

(3) in subsection (c), by adding at the end the following:

“(13) ENFORCEMENT OF MENTAL HEALTH PARITY PROVISIONS.—The provisions of paragraph (10) shall apply with respect to enforcement by the Secretary of the mental health and substance abuse disorder parity provisions of section 712 in a manner similar to the manner in which such provisions apply to genetic nondiscrimination.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of the date on which the Secretary of Labor issues the compliance program guidance document in accordance with section 2726(a)(6) of the Public Health Service Act or the addi-
tional guidance in accordance with paragraph (7) of such section.