



NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS

May 2, 2007

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The Honorable Edward M. Kennedy
Chairman
Health, Education, Labor & Pensions Committee
United States Senate
Washington, D.C. 20510

The Honorable Michael B. Enzi
Ranking Member
Health, Education, Labor & Pensions Committee
United States Senate
Washington, D.C. 20510

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Dear Chairman Kennedy and Ranking Member Enzi:

As the United States Senate prepares to consider Mental Health Parity legislation, S. 558, which was passed by your Committee, we would like to express the objection of the nation's health insurance regulators to a specific provision in the bill.

Section 4(c) of the Committee-passed bill would supersede any state law that conflicts with the parity, negotiation and management, in- and out-of-network, or cost exemption provisions of the bill. Effectively, this creates both a floor and a ceiling that would eliminate the authority of states to provide greater protection for consumers in these specified areas. The members of the National Association of Insurance Commissioners (NAIC) find this limitation on the ability of state legislators and policymakers to do what they believe is right for their constituents both excessive and unnecessary.

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Instead, should the Senate decide to include any preemption language in the bill, we would prefer the language in the Mental Health Parity bill currently being considered in the House of Representatives. As currently drafted, the House version, H.R. 1424, specifically states that nothing in the federal legislation "shall be construed to preempt any State law that provides greater consumer protections, benefits, methods of access to benefits, rights or remedies."

When S. 558 moves to the Senate floor, we urge you to preserve the authority of states to establish appropriate mental health protections for their residents. This would make S. 558 consistent with other federal laws, such as the Health Insurance Portability and Accountability Act (HIPAA), and make it better for consumers.

Thank you for your consideration in this important matter.

**WORLD
WIDE WEB**

www.naic.org

Sincerely,

Walter Bell
Commissioner of Insurance
State of Alabama
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