



## Fiscal Impact Statement for Proposed Legislation

*Virginia State Corporation Commission*

**Published:** March 9, 2026

### House Bill 1400

**Version:** Introduced

**Patron:** Franklin

**Title:** Health insurance; coverage for maternal mental health screenings.

**Summary:** Requires health insurance carriers to provide coverage for maternal mental health screenings. The bill requires such coverage to include at least one maternal mental health screening to be conducted during pregnancy, at least one additional screening to be conducted during the first six weeks of the postpartum period, and additional medically necessary postpartum screenings. Additionally, the bill provides that coverage for a prescription drug for the treatment of a maternal mental health condition is not subject to prior authorization requirements or step therapy protocols.

**Effective Date(s):** January 1, 2027

**Amendment Necessary:**  Budget, Item ###  
 Technical, see *Technical Note* below  
 None

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#### *Fiscal Summary*

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The State Corporation Commission does not anticipate a fiscal impact.

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#### *Fiscal Analysis*

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#### **Revenue**

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None.

#### **Expenditures**

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No bill identical or substantially similar bill to HB1400 has been referred to the Health Insurance Reform Commission (HIRC) for assessment. Part of this assessment is conducted by the Bureau of Insurance; it includes a determination of whether the proposed state-mandated health benefit is in addition to the essential health benefits (EHBs) under the Patient Protection and Affordable Care Act (ACA). HIRC may then direct the Bureau to determine what the cost of defrayal payments to health carriers would be if the proposed state-mandated health benefit were enacted. 45 C.F.R. § 155.170 requires the state to defray the cost of state-mandated health benefits that are in addition to EHB.

The total impact the provisions of this legislation would have on State Corporation Commission (SCC) cannot be determined. The proposed legislation would require a new state-mandated health benefit for maternal mental health screenings. Defrayal payments are made from the general fund and SCC acts as a pass-through entity to make defrayal

payments to health carriers; the Bureau also incurs some administrative costs as part of the defrayal payment process, which is paid for with nongeneral fund appropriations. As no bill identical or substantially similar to HB1400 has undergone an assessment before HIRC, BOI is unable to determine at this time whether HB1400's state-mandated health benefit is in addition to EHB and if so, what the defrayal payment cost would be.

## **Change in FTE**

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None.

## **Other Comments**

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The Centers for Medicare and Medicaid Services recently published its proposed 2027 Notice of Benefit and Payment Parameters, which proposes a significant change to its interpretation of how benefits mandated by state law trigger defrayal even if those benefits are included in a state's EHB benchmark plan. Assuming this proposed rule goes into effect, even those portions of HB1400 that restate existing EHBs in the Commonwealth's EHB benchmark plan would be subject to defrayal.

## **Technical Note**

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None.