

# *A Targeted Response to Increasing Behavioral Health Treatment Access*



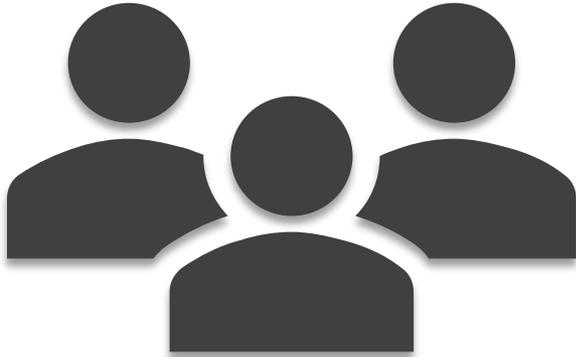
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Market Conduct*

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Today we will share PID's approach to addressing mental health and substance use disorder through ensuring access to comprehensive coverage

## Agenda



- Discuss Pennsylvania Insurance Department's efforts to address MH/SUD:
  - Promoting consistency in coverage
  - Strengthening enforcement of behavioral health parity
  - Outreach to health care professionals and consumers regarding coverage and knowledge of parity laws

PID has worked to ensure consumers gain access to the treatment they need to get well

### **PID's Efforts**



Creating consistency in coverage



Strengthening enforcement of behavioral health parity



Conducting wide-ranging educational outreach

# PID worked with commercial insurers to align prior-authorization requirements for MAT and opioid prescriptions

## **1. Removal of Prior-authorization for medication assisted treatment (MAT)**

- ✓ Coverage of at least one Buprenorphine/naloxone combination product
- ✓ Coverage of Methadone as MAT
- ✓ Coverage of injectable and oral Naltrexone
- ✓ Coverage of at least one form of nasal naloxone without quantity limits

**The guidelines also provide that MAT will be covered at the lowest patient cost tier on the plan's pharmacy benefit**

See MAT agreement press release here:

<https://www.media.pa.gov/pages/insurance-details.aspx?newsid=344>



PID worked with commercial insurers to align prior-authorization requirements for MAT and opioid prescriptions

## 2. Aligning Prior-Authorization Requirements for Prescription Opioids



Guidelines implement thresholds for prior authorization for long and short acting opioids, morphine milligram equivalents (MMEs) while establishing exceptions for active cancer, sickle cell crisis, and palliative care and hospice patients.

# PID is strengthening enforcement of behavioral health treatment parity through market conduct exams

## Parity



Pennsylvania is a leader among regulators in our rigorous approach to evaluating mental health and substance use disorder treatment parity through comprehensive market conduct exams.

# PID continues to strengthen enforcement of mental health treatment parity through market conduct exams

## Market conduct exams

**Who** is being evaluated? Individual, small group, and large group commercial payers.

**What** is the exam? The comprehensive exam evaluates the company's adherence to all provisions of the Affordable Care Act and associated state law, including business practices, policies and procedures.

**Why** is the exam being administered? The goal of the exam is to ensure companies have complied with consumer protections guaranteed under state and federal law.

**How** is the exam being conducted? The Department is authorized under state law to conduct market conduct exams to ensure compliance with state law.

# Market conduct examiners review a comprehensive list of state and federal MH/SUD laws and regulations

## Market conduct exams laws and regs

- Act 106 and the state non-discrimination and parity law, 40 P.S. §§ 908-1 et seq.
  - [Bulletin](#), Guidance Regarding Parity in Mental Health and Substance Use Disorder Coverage; Notice 2016-15
- The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA)
  - Federal regulation, [45 C.F.R. § 146.136](#)
- Essential Health Benefits in the Affordable Care Act, 42 U.S.C. §§ 300gg-6 and 18022
  - 45 C.F.R. § 156.130

# In-depth reviews of companies has allowed PID to identify areas of opportunity

## Market conduct exams: lessons learned

- Comprehensive exams have allowed PID to examine:
  - ▣ Operations;
  - ▣ Management;
  - ▣ Systems;
  - ▣ Processes; and
  - ▣ Complaint and claims handling.
- In-depth review has allowed us to:
  - ▣ Understand the big picture from a regulatory perspective and
  - ▣ Tailor outreach and education efforts to target specific problems.

# The enactment of bipartisan legislation will *strengthen and clarify* mental health/substance use disorder parity analysis and enforcement

## Act 89 & 92

PRIOR PRINTER'S NO. 2288

PRINTER'S NO. 3630

THE GENERAL ASSEMBLY OF PENNSYLVANIA

### HOUSE BILL

No. 1696 Session of 2019

INTRODUCED BY MURT, POLINCHOCK, SCHLOSSBERG, GABLER, MILLARD, BOBACK, WHEELAND, CALTAGIRONE, GILLEN, McNEILL, SCHNEYER, HOHENSTEIN, DAVIDSON, DeLUCA, BURGOS, SOLOMON, TOOHIL, VITALI, OTTEN, ROZEL, KIRKLAND, HILL-EVANS, ISAACSON, JOHNSON-HARRELL, DAY, MARKOSEK, STURLA, ROEBUCK, KAUFER, FRANKEL AND READSHAW, JULY 8, 2019

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 27, 2020

#### AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," in health insurance coverage parity  
12 and nondiscrimination, ~~providing for annual reporting by~~ <--  
13 ~~insurers~~ FURTHER PROVIDING FOR DEFINITIONS AND FOR ADOPTION <--  
14 OF FEDERAL ACTS AND PROVIDING FOR ANNUAL ATTESTATION BY  
15 INSURERS AND FOR INSURER ANALYSIS AND DISCLOSURE INFORMATION.  
16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:  
18 ~~Section 1. The act of May 17, 1921 (P.L.682, No.284), known <--~~  
19 ~~as The Insurance Company Law of 1921, is amended by adding a~~  
20 ~~section to read:~~  
21 ~~Section 604.1-B. Annual reporting by insurers:~~  
22 ~~An insurer shall annually file with the department such~~

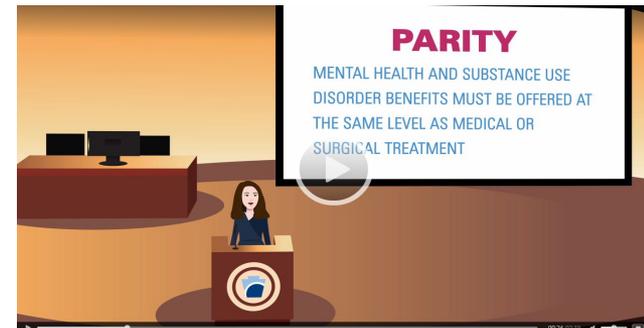
- Acts [89](#) & [92](#) require insurance companies to:
  - Certify compliance with Mental Health Parity Addiction Equity Act (MHPAEA);
  - Demonstrate and document how its limitations on MH/SUD benefits are comparable to limitations on physical service benefits; and
  - Make available upon request – to a consumer or provider, and to the Department – a consumer-friendly explanation of its analyses regarding treatment limitations that affect consumer’s access to MH/SUD benefits.

PID has also focused on outreach through developing educational videos for both consumers and health care providers

## Mental Health and Substance Use Disorder Parity Videos

Topics include:

1. Know your rights: Health insurance coverage for mental health and substance use disorder
2. Know your coverage: Individual health insurance
3. Know your coverage: Employer health insurance
4. Know your coverage: Self-funded employer coverage
5. Know your coverage: Small employer
6. Know your coverage: Large employer



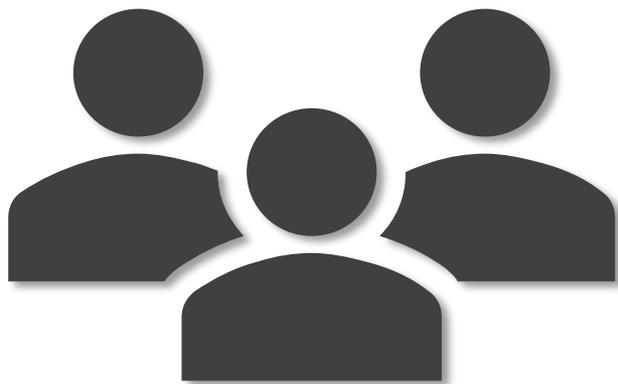
Link to Videos:

<https://www.insurance.pa.gov/Coverage/Pages/Parity.aspx>



# PID is seizing an opportunity to coordinate and enhance MH/SUD parity efforts among stakeholders

## Parity next steps



Pennsylvania is working on a multi-agency effort to engage providers, advocacy groups, and others to glean a better understanding of current knowledge and interaction with parity.

# PID surveyed thousands of providers and is using the results to develop educational material to empower providers with parity-related knowledge

## General Overview

- Intro: What is parity?
- How do you spot noncompliance (red flags)
- What have Commonwealth agencies done and what resources exist?

## How to help a patient/client

- What kind of coverage do patients have?
- Based on coverage type, how do patients/provider submit a complaint?
- How to report (for providers and for patients)

## Financial Requirements

- Requires expected claims information not available to the general public
- Overview of how calculation works

## QTLs and NQTLs

- Overview of how these treatment limitations work
- What to compare and how to compare

## Provider Parity Complaints

- How to complain on behalf of patients
- Tracking and submitting

**Print, video, and webinar resources (with accompanying CE credits) will be made available winter 2021.**



**pennsylvania**  
INSURANCE DEPARTMENT

## **PID contact information**

Facebook: <https://www.facebook.com/painsurancedepartment>

Webpage link: <https://www.insurance.pa.gov>

Have a consumer question? 1-877-881-6388

# Questions?

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