NY Attorney General’s Health Care Bureau

http://ag.ny.gov/bureau/health-care-bureau

Health Care Helpline:
1-800-428-9071
MENTAL HEALTH PARITY: NY AG PRIORITY

- Hundreds of consumer complaints regarding Mental Health and Substance Abuse treatment.
- Addressing opioid abuse epidemic.
- Lack of enforcement of parity laws at state and federal levels pre-2013.
- Challenges for consumers/providers in knowing and enforcing rights under parity laws.
KEY PARITY “RED FLAGS”

- **Differences** between behavioral health (“BH”) and medical/surgical (“M/S”) benefits:
  - Exclusion of particular level of care.
  - Visit limits/ “Outlier” programs
  - Requiring preauthorization only for BH.
  - “Fail first” requirements only for BH.

- **Insufficient/incorrect information in denial letters:**
  - Vague description of clinical rationale for denial.
  - No info about criteria, evidence used in making decision.
  - No description of procedures, timeframes, and consumer rights for grievance and appeal.
  - No info about credentials of reviewer who issued denial.
➢ Denying coverage due to failure to complete treatment.
➢ Denying coverage because “patient not improving.”
➢ Refusal to provide the plan’s medical necessity criteria.
➢ Use of incorrect criteria.
➢ Refusal to reimburse treatment by a licensed BH provider.
➢ No access to par BH provider who has appointment at an accessible location.
➢ Failure to consult w/provider or consider evidence.
NY AG SETTLEMENTS

- Medical management reforms:
  - Conduct *full and fair reviews*: robust policy for collecting info.
  - Number of days/visits approved based on clinical needs.
  - Specific denial letters linking facts to medical necessity criteria & post criteria on website.
  - No “fail first” requirement for IP SUD.

- Cover residential treatment for BH conditions.
- Continue coverage of treatment pending completion of appeals.
- In-house BH advocates: help members *cut through red tape*, get info re appeals and treatment options.
- Appoint *monitor* to oversee implementation.
- Retrospective review of denials.
RESULTS - NY AG PARITY

- Plans paid $2.9 million in penalties.
- Plans reimbursed consumers $1.6 million for out-of-pocket treatment costs.
- Plans imposing fewer barriers to treatment:
  - Covering continuum of care.
  - More consumers able to access needed care.
  - Denial rates lower – criteria applied more accurately, improvements in denial letters.