

Division of Insurance

Commissioner of Insurance Michael Conway

Behavioral Health Parity: Presentation to the Joint Health Committees

January 11, 2023

What Do We Know?

- **Insurance literacy**
 - 2021 Colorado Health Access Survey (CHAS) - 36% of respondents didn't believe their insurance covered behavioral health care
- **Finding a provider – at the right level of care – when you need it – in-network**
 - 2019 - 2021:
 - Number of adults with anxiety or depression quadrupled
 - MH claims in teens doubled
 - Behavioral health rates transgender people and BIPOC outcomes disproportionately higher
 - 40 million adults in US diagnosed with an SUD
 - Overdoses increasing year over year - MAT, harm reduction services, and access to naloxone
- **Affording that care – without additional restrictions**

How can Parity Help?

Mental Health Parity: The comparability of mental health and substance use disorder (SUD) care coverage to medical and surgical care coverage.

It requires that plans cannot have more restrictive

Quantitative Treatment
Limitation (QTLs)

Non-Quantitative Treatment
Limitations (NQTLs)

between behavioral and physical health.

Federal Law

- The Mental Health Parity and Addiction Equity Act (MHPAEA)
- The Affordable Care Act
- The Consolidated Appropriations Act, 2021.

State Law

- **HB19-1269:** Behavioral Health Care Coverage Modernization Act
- **SB20-007:** Concerning Treatment for Substance Use Disorders
- **HB22-1278:** Behavioral Health Administration Behavioral Health Transformational Task Force and Recommendations to allocate American Rescue Plan Act of 2021 funds

What's the Division Doing?

**Strategies to Improve Commercial
Behavioral Health Care Coverage**

Essential Health Benefit Benchmark Plan

Comprehensive Gender-Affirming Care

Surgery and Hormone Therapy

Coverage Transparency Resource - Launched Jan. 2023

Annual Mental Wellness Exam

One 45-60-minute visit per plan year w/a
qualified mental health care provider.

Alternatives to Opioids (ALTOs)

15 drugs as ALTOs and
up to 6 acupuncture visits per year



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Colorado Insurance Regulation 4-2-64 Concerning Mental Health Parity in Health Benefit Plans

- Comprehensive policy-setting and data-collection regulation
- Annual submission by carriers (made public in SERFF)
 - Submission instructions, group technical assistance, and one-on-one assistance as provided by DOI to carriers to ensure data integrity.
- QTLs and NQTLs



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QTL Review Highlight: Financial Requirements

- PY 2020 Investigation: Wrapping up the ongoing investigation of carriers that sold plans with cost-sharing structures out of compliance with financial requirements
- Operationalized financial requirement review and enforcement as part of annual rate review – carriers submit plans for DOI review, and resubmit until they pass federal and state requirements.
 - Mitigates consumer financial harm from the onset
- Carrier performance year over year

NQTL Review Highlights:

Medication-Assisted Treatment Coverage

Medication-Assisted Treatment Coverage

- Utilization management
 - Prior authorization, step therapy, and fail first for SUD and OUD
- Pharmacy benefit design
 - Formulary tiering, discriminatory benefit design, quantity limits, other UM protocols
- Network adequacy and credentialing
 - OUD, SUD, disordered eating services, wait times

NQTL Review Highlights:

American Society of Addiction Medicine Utilization

- In first year of compliance enforcement, five (5) companies stated to the DOI they did not utilize ASAM criteria as required
 - Formal investigation launched
- Result: All companies in compliance, and topic remains priority for enforcement amongst all companies

Premium Impact Report

- Submitted to Legislature, as required, on 12/1/22
- Review of annual Actuarial Memoranda, as part of rate review process

Market & # Carriers	2020	2021	2022	Notes
Individual (9)	0	0	1*	Kaiser Family Health Plan - unspecified
Small Group (13)	0	0	1*	Kaiser Family Health Plan - unspecified
Large Group (14)	2*	0	0	Aetna Health IC & Aetna Life IC - unspecified
Student Health (4)	0	0	0	NA

What's Next?

DOI Programs - Behavioral Health Integration

- DOI programs to increase enrollment, access, and health equity and reduce costs and health disparities
- Expanding Behavioral Health Program with two (2) new FTE

Behavioral Health Administration - Alignment and Coordination

Questions?

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