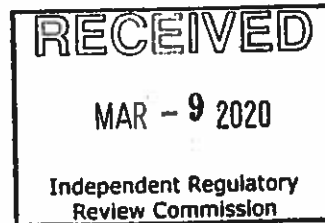


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March 6, 2020

Bridget E. Burke
Regulatory Coordinator
Pennsylvania Department of Insurance
1341 Strawberry Square
Harrisburg, PA 17120



Re: Regulation #11-258 (Mental Health Parity Analysis Documentation)

Dear Ms. Burke:

Magellan Healthcare (Magellan) appreciates the opportunity to comment on the Department's proposed changes to Chapter 168 (31 Pa. Code §§ 168.1-168.5) to create specific reporting requirements that will facilitate the Department's regulation of mental health and substance use disorder (MH/SUD) insurance coverage in the Commonwealth. We support the State's efforts to protect consumers' mental health and substance use disorder rights in the commonwealth. Magellan is committed to ensuring access to high quality and fully integrated mental health and substance use disorder benefits.

Magellan is a leader in managing the fastest growing, most complex areas of healthcare, including individuals with special healthcare needs, complete pharmacy benefits, and other specialty areas of healthcare. We connect behavioral, physical, pharmacy, and social needs with high-impact, evidence-based clinical and community support programs to ensure the care and services provided to our members are individualized, coordinated, fully integrated, and cost effective.

As a specialty managed care company with our roots in behavioral health, we are deeply committed to implementing mental health parity. Our perspective on parity is informed by extensive experience providing a tailored spectrum of behavioral health services and employee assistance programs for health plans, employers and various military and government agencies and public healthcare programs, including active-duty service members and their families, state Medicaid programs and individuals dually eligible for Medicare and Medicaid.

We contract with more than 77,000 credentialed behavioral health providers nationwide and provide behavioral healthcare services to approximately 1.8 million public-sector members through a range of innovative state programs, including the nation's first Medicaid specialty health plan for adults living with serious mental illness.

Background

Magellan and other behavioral health-focused health plans have paved the way to demonstrate how managed care can increase access to behavioral health treatment that not only works but is integrated. Magellan has 50 years of experience taking new, innovative ideas to their maximum potential, beginning with behavioral healthcare.

The Mental Health Parity and Addiction Equity Act (MHPAEA) of 2008 changed the landscape of mental health parity and substance use disorder coverage in the United States. MHPAE led to significant improvements in mental health and SUD coverage over the past decade. While MHPAEA and its predecessor, the Mental Health Parity Act of 1996, as well as the Affordable Care Act of 2010, have done much to advance the mental health and SUD coverage landscape, further opportunities remain to improve access to high-quality and value-based mental health and SUD services and treatments.

Magellan's Comments

The proposed rule will require an insurer to: (1) attest to documented analyses of its efforts to comply with MH/SUD parity requirements; and (2) make available for review the documentation necessary to demonstrate compliance with MH/SUD parity requirements.

Attestation Requirements, Section 168.4

The proposal requires confirmation from the insurer attesting to a documented analyses and efforts to comply with the MHPAEA. The rule requires that the attestation include:

- a. A baseline parity analysis to demonstrate compliance with MHPAEA and MH/SUD Parity Federal Regulations for each quantitative and nonquantitative treatment limitation (NQTL) applicable to MH/SUD benefit.
- b. A parity analysis for each *change* to demonstrate compliance with MHPAEA and MH/SUD Parity Federal Regulations for each quantitative and nonquantitative treatment limitation applicable to MH/SUD benefit.
- c. Disclosure documentation required by Federal law (MHPAEA and MH/SUD)
- d. For each NQTL, including medical management:
 - i. Identify limitation applied to MH/SUD and medical/surgical
 - ii. Describe process to develop limitations
 - iii. Identify each factor used to determine limits to MH/SUD
 - iv. Comparative analysis (comparing limitation in MH/SUD benefit to medical benefit limitations)
 - v. Specify findings and confirm compliance.

In addition, Section 168.4(d) provides safeguards to ensure insurers “may designate the information and documentation produced pursuant to this provision as trade secret or confidential proprietary information.”

Magellan Supports Mental Health Parity

Magellan supports the Commonwealth’s proposal to protect consumers’ mental health and substance use disorder rights. Compliance with NQTLs has been difficult to measure objectively and consistently, within and across states. Objective and consistent guidance and definitions and uniform assessment and reporting will work to promote compliance with parity’s NQTL requirements.

This proposal helps to further the goals of the MHPAE and the Administration’s goal of improving mental health care in Pennsylvania, while simultaneously protecting confidential and proprietary information. Magellan strives to ensure the right person receives the right services, at the right time. This proposal helps to advance our shared goals by holding parties accountable for the services they provide, while appropriately protecting confidential and proprietary information.

Conclusion

We appreciate the Commonwealth’s efforts to improve mental health care for its citizens and look forward to working with the state and other stakeholders to implement the changes proposed.

Magellan would be glad to answer questions or provide further information. Please contact Kristina Arnoux, vice president of government affairs and public policy, at (401) 480-8034 or arnouxk@magellanhealth.com.

Thank you for the opportunity to share our experience and recommendations on this important issue.

Sincerely,



Matt Miller
SVP, General Manager, Behavioral Health