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300 Corporate Center Drive
Suite 600
Camp Hill, PA 17011

VIA ELECTRONIC MAIL

March 9, 2020

Pennsylvania Insurance Department
Attention: Bridget Burke
Regulatory Coordinator
1341 Strawberry Square
Harrisburg, PA 17120
briburke@pa.gov

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Dear Ms. Burke,

Thank you for the opportunity to submit comments on the proposed rulemaking of Mental Health Parity Analysis Documentation, published in 50 Pa.B. 798 (February 8, 2020).

PA Health and Wellness (PHW) recognizes that the provisions and standards of the Paul Wellstone and Pete Dominici Mental Health Parity and Addiction Equity Act of 2008 (Public Law 110-343, 122 Stat. 3881), contained in the Public Health Service Act (42 U.S.C. §§ 300gg-21 and 300gg-61), have already been enacted into Pennsylvania State Law by Act 14 of 2010, amending the Insurance Company Law of 1921. As a result, these provisions are already recognized and are practiced by PHW.

This proposed rulemaking would require PHW to perform —and annually document— a baseline parity analysis to demonstrate compliance with the Mental Health Parity and Addiction Equity Act of 2008 and the mental health and substance use disorder treatment parity federal regulations for each form/policy for insurance offered to which this proposed rule applies.

As written, PHW believes the proposed rulemaking appears only to affect our Ambetter from PA Health & Wellness individual marketplace product, which is currently available in three counties: Montgomery, Bucks and Philadelphia. Thus, we believe the current impact of this rulemaking should not be substantial to PHW, as it only will require PHW to file a statement attesting to its efforts to comply with MHPAEA and the MHSUD parity Federal Regulations annually. We would request that any state specific attestation documentation be provided to issuers as early as possible, to ensure that proper documentation is submitted with the product filing.

Thank you for the opportunity to provide comments to this proposed rulemaking and offer our views on this vital measure. If you have any questions or concerns regarding the contents of this letter or this matter in general, please feel free to contact me at the above address or telephone me at (717) 551-8041.

Sincerely,

Jay A. Pagni
Senior Director, Government Relations