

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

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*Division of Governmental Affairs*  
**MEMORANDUM IN SUPPORT**

**In Senate Insurance Committee**

**S.1156-C (Ortt)**

**In Assembly Codes Committee**

**A.3694-C (Gunther)**

**AN ACT to amend the insurance law, in relation to establishing the mental health and substance abuse parity report act**

This measure would require insurers and health plans to submit certain data to the Department of Financial Services and the Commissioner of Health, as a way of measuring compliance with federal and state mental health and substance abuse parity laws. The data will be used by the Department of Financial Services to prepare an annual Mental Health Parity report as part of the annual Consumer Guide. **The Medical Society of the State of New York supports this measure.**

Mental Health and Substance Use Disorder (MH/SUD) parity laws have been on the books for nearly a decade on the federal level and more than ten years in New York State; however, there still exists within the health insurance and health plan industry patterns of disparity between coverage criteria imposed on MH/SUD care and treatment as compared to other covered services. This legislation will enable a comparison between requirements for accessing benefits that are applied to MH/SUD as compared with those applied to medical/surgical benefits.

Among the areas where disparity has been cited are: (a) rates of utilization review as well as rate of approval and denial for care and treatment; (b) the numbers of prior or concurrent authorization requests along with the number of denials for such requests; (c) medical necessity criteria used by insurers and health plans to make determinations with respect to prior authorization, continuing care or discharge; (d) percentage of claims paid for in-network and out-of-network MH/SUD care and treatment; and, (e) network adequacy and provider networks.

In light of the growing opioid epidemic, it is vitally important that the state and various public stakeholders have a resource that would help those individuals make informed choices with respect to the choice of health plan. The Medical Society believes that this legislation will allow for a more fully integrated care for individuals suffering from mental health or substance use disorders. **For all the reasons above, the Medical Society of the State of New York supports this measure and urges its enactment.**

Respectfully,

Division of Governmental Affairs

Pfc/support  
6/7/18