

Next Steps for Advancing Behavioral Health Parity in Georgia

August 27, 2020



A Georgia Testimonial

“My stepson has been in hospitalization for suicidal expressions or attempts 5 times all under [insurance company name] - each time they want him discharged before he is ready. We will have to pay out of pocket for a specialized therapist that treats highly lethal people because she does not accept insurance. 2 doctors from another facility said he should be in residential care but the likelihood of [insurance company name] paying is little. I am very concerned about having him home and it be fatal this time.”



An Urgent Priority

One in four young adults between the ages of 18 and 24 say they have considered suicide in the past month because of the pandemic, according to [new CDC data](#).

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State Policy Momentum in 2020

- [Arizona](#): SB 1523, “Jake’s Law”, Senator Kate Brophy McGee (R)
- [Indiana](#): HB 1092, Representative Cindy Ziemke (R)
- [Oklahoma](#): SB 1718, Senator John Michael Montgomery (R)
- [West Virginia](#): SB 291, Senator Ryan Weld (R)
- [Texas](#): proposed parity rules



Common Provisions

- Aligning state law with the Mental Health Parity and Addiction Equity Act of 2008
- Requiring insurers to submit an annual report to the relevant state agency demonstrating that medical necessity criteria and non-quantitative treatment limitations (NQTL) for mental health and substance use disorder benefits are comparable to medical and surgical benefits
- Using standard tools for analysis (e.g. through the National Association of Insurance Commissioners)
- Making data on compliance publicly available



Areas of Opportunity - Administrative

- Require cross-departmental collaboration, such as a permanent working group with the state's Department of Insurance, Department of Community Health and Department of Behavioral Health and Developmental Disabilities.
- Ensure that the Georgia Department of Community Health includes clear parity provisions in its renewed Medicaid managed care contracts, that it requires CMOs to submit complete parity compliance analyses and data to demonstrate compliance, and that it sets targets for improvement and enforces parity provisions.



Areas of Opportunity - Administrative

- Ensure that the Georgia Department of Insurance conduct regular market conduct exams for parity compliance, including a focus on non-quantitative treatment limitations (NQTLs) such as prior authorization, reimbursement rates, and denials based on medical necessity, and that it takes action to address violations. Require the publishing of an annual status report of the exams, along with results and corrective actions taken.
- Require these Departments to report annually on the methodology used to ensure compliance with federal and state parity law to the Behavioral Health Reform and Innovation Commission and the Georgia General Assembly.



Areas of Opportunity - Administrative

- Make it easier for consumers to report suspected parity violations, for example by having dedicated web pages with a clear explanation of parity and instructions for how to file a complaint linked from the Department of Insurance, Department of Community Health and the Department of Behavioral Health and Development Disabilities websites.
- Establish a process for publicly reporting on how consumer complaints were addressed.



Areas of Opportunity - Legislative

- Utilize model legislation to strengthen and clarify parity provisions.
- Support network adequacy legislation to ensure that insurance providers have a robust network of providers to meet demand for behavioral health services.
- Update all relevant state code sections to refer to the most recent *Diagnostic and Statistical Manual of Mental Disorders* (DSM). For example, in § 33-24-28.1. Coverage of treatment of mental disorders:

"Mental disorder" shall have the same meaning as defined by *The Diagnostic and Statistical Manual of Mental Disorders* (American Psychiatric Association) or *The International Classification of Diseases* (World Health Organization) as of January 1, 1981, or as the Commissioner may further define such term by rule and regulation.



Areas of Opportunity – Georgia Parity Collaborative

- Convene employers, insurers, providers and consumers
- Conduct public education about how to submit complaints
- Utilize national Parity Registry for testimonials:
<https://www.parityregistry.org/>
- Continue to address stigma

