



Scott Brabant
Board Chair

Luis B. Pérez, LCSW
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Testimony regarding
S.B. No. 414: “AN ACT CONCERNING MENTAL HEALTH PARITY”
&
S.B. No. 415: “AN ACT CONCERNING STEP THERAPY, ADVERSE DETERMINATION AND UTILIZATION REVIEWS”
Insurance & Real Estate Committee Public Hearing
Thursday, March 17, 2022 ~ 9:00 a.m.

Good morning Senator Lesser, Representative Wood, Senator Hwang, Representative Pavalock-D’Amato, and distinguished members of the Insurance & Real Estate Committee:

Thank you for the opportunity to provide testimony. My name is Suzi Craig and I am the Chief Strategy Officer at Mental Health Connecticut (MHC). I wish to share comments in regards to **S.B. 414** An Act Concerning Mental Health Parity and **S.B. 415** An Act Concerning Step Therapy, Adverse Determination And Utilization Reviews.

Although MHC appreciates the intent of **S.B. 414**, we are concerned with the overall necessity of the legislation at this time. In 2019, Connecticut made progress in addressing parity with the passing of **Public Act 19-159**, which outlined the steps needed to comply with the [2008 federal Mental Health Parity and Addiction Equity Act](#).

For 14 years, since 2008, the federal MHPAEA law has prohibited discrimination in private health insurance plans if you live with a mental illness or substance use disorder. Connecticut was once a leader in legislating health access and now we are lagging behind. In 2018, our state received a “D” on our behavioral health parity Report Card from ParityTrack.org.

The 2018 low grade in parity helped to propel long-standing advocacy efforts towards the win in 2019 with the state legislation, which received **unanimous bi-partisan support**. The 2019 law, Public Act 19-159, was designed to uncover how private health insurance plans are designed and coverage was being provided, which could help identify where disparities in behavioral health coverage are showing up so they can be addressed and removed as barriers to treatment.

The first report from Public Act 19-159, was **due April 15, 2021**. However, the data received from insurance plans did not comply with the requested format and was deemed incomprehensible. This prevented the Insurance Commissioner from submitting an analysis of insurance industry compliance to the General Assembly, the Attorney General, Healthcare Advocate, and the Office of Health Strategy, which means **health insurance plans in CT could, right now, be out of compliance with the Federal law**.



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It is important to note that while we lose ground legislatively, our friends and neighbors in Connecticut are:

- **Not seeking treatment** because they are unable to find providers who take private insurance
- Becoming **more and more ill**, which sparks **avoidable results** such as **Stage 4 illnesses** (often co-occurring physical and mental health issues), lapses in recovery, increases in overdoses, death by suicide, increased unemployment, costly and unnecessary ER visits, and more
- Put into a position, if they are age 26 and younger and covered by parent/guardian private insurance, to **leave that insurance** plan for Medicaid coverage so they can receive better treatment, thereby increasing the state of Connecticut's costs
- **Unable to choose**, with their provider, the **best course of action** for care or unable to focus on preventative measures or intervention that are critical to **lowering health care costs** and supporting a **high quality of life** that should be accessible to all

In addition, while CT waits for reports, some states are starting to think beyond parity to reshaping the delivery of behavioral health to better serve those who seek access to it.

At this point, we would ask that the legislature ensure that **SB 414 works in tandem with the current law – as noted in Sec. 38a-477ee of the General Statutes – without changing the annual deadlines currently set**, which are: **March 1st** for each health carrier to submit data to the Insurance Commissioner and **April 15th** for the Insurance Commissioner to submit a report to the General Assembly, Attorney General, Healthcare Advocate, and the Office of Health Strategy.

Without parity compliance, Connecticut will be unable to improve our health care system and allow for true health equity. It is imperative that we work together to stay on track with the work we've done to date, so we can once again take the lead in parity.

MHC supports S.B. 415 as it will be instrumental in allowing for timely patient access to critical mental and behavioral medications prescribed by physicians by prohibiting dangerous "fail-first" practices. This issue is particularly important to the mental health community because people living with mental illness who have their medications switched, or who experience a delay in accessing their medications, are at high risk for developing serious health complications, including death. This bill also shifts the burden of proof from the doctor to the health insurance company when arguing for step therapy, adverse determination, and/or a utilization review.

When it comes to mental health, there is no one size fits all treatment – it is often very individualized. It is imperative that individuals living with behavioral health diagnoses have immediate access to the medications, that were prescribed by their provider. Insurance plans should not have the ability to override the decisions made by medical professionals for their patients with the goal of minimal cost savings.



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The COVID-19 pandemic has magnified the need for access to mental health treatments as many individuals have experienced significant changes to their daily routines, financial wellbeing, and ability to socialize with their peers. Ensuring that patients have timely access to their prescribed medications is one straightforward solution, which this legislation will help accomplish.

MHC urges this committee to **support S.B. 415** and to provide further clarity on the need for **S.B. 414** so we can understand the intent and how this will help CT achieve health equity. MHC appreciates the hard work and dedication of this committee to address the worsening Mental Health crisis in Connecticut.

Thank you for the opportunity to testify before you today on these important bills.

Respectfully,

Suzi Craig
Chief Strategy Officer



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