Testimony of the Massachusetts Psychological Association in support of S. 588 and H. 910, An Act Relative to Mental Health Parity Implementation

June 6, 2019

The Massachusetts Psychological Association (MPA) represents over 1,700 psychologists in Massachusetts in carrying out our mission to advance psychology as a science, as a profession, and as a means of promoting human welfare. We strongly support S. 588 and H. 910, An Act relative to mental health parity implementation, which will hold health plans accountable for ensuring that they are in compliance with all state and federal parity laws and regulations.

The MPA continues to observe a number of systemic barriers imposed by health plans to prevent timely access to behavioral health services. These barriers include: (1) overly restrictive medical necessity criteria; (2) one-day authorizations for residential treatment programs; (3) arbitrary utilization reviews that unfairly obstruct ongoing treatment; (4) excessive and arbitrary delays before treatment is either approved or denied; (5) difficulty for providers to join carrier networks despite known shortages of providers; (6) extremely burdensome and unnecessary administrative burdens; and (7) “historically low reimbursement rates” (as stated in Massachusetts Attorney General Maura Healey’s 2015 report Health Care Cost Trends and Cost Drivers).

These barriers prevent consumers from having access to desperately needed services by limiting the number of behavioral health providers contracted to provide services for a health plan’s members. We routinely hear from our members about being turned down when trying to contract with a health plan, of long wait times for providers to get credentialed and contracted with a health plan, and of the increasing administrative burdens and requirements, further lowering the effective rate that they are being paid for their time.

It is notable that behavioral health and substance use disorder services are the only specialties in which health plan’s routinely contract out all aspects of management to for-profit companies (often referred to as carve-outs). Simply by virtue of the fact that another entity has been introduced, the likelihood of system errors, miscommunications, and contradictory information increases significantly- a risk that is not shared to the same degree by any other medical specialty. Furthermore, the fact that many carve-outs are for-profit companies creates an inherent conflict of interest. Again, this not a situation shared by other medical specialties. It is no wonder that behavioral health and substance use disorder services have a comparatively high number of providers who choose to operate outside of the health plan system altogether.

The lack of transparency and restricted oversight of health plans have led them to continue to brazenly use these kinds of barriers, which are potentially illegal under state and federal parity laws. We need stronger, more proactive oversight by state regulators to help us investigate these
practices, obtain the necessary information to determine if parity is being met, and eliminate any unfair and potentially illegal barriers to care.

A recent study by the BCBS Foundation in 2018, *Massachusetts Health Reform Survey*, found that our state continues to have very high rates of non-treatment for behavioral health conditions. In fact, almost 55% of adults who were fully insured reported difficulty accessing behavioral health services, and more than one third (38.7%) reported going without needed behavioral health or substance use disorder services. Stronger and more effective enforcement of parity rights will help consumers access the behavioral health care that they desperately need, before their condition is worsened by lack of treatment, causing increased distress to the consumer and increased costs for higher levels of care. I respectfully urge this committee to move favorably on *An Act relative to mental health parity implementation*, to increase the protections for consumers throughout the state so that they have the same access to behavioral health and substance use disorder services as they do for medical care.

Respectfully,

Jennifer Warkentin, Ph.D.
Licensed Psychologist
Director of Professional Affairs
Massachusetts Psychological Association