



MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

HB 1074. Health Insurance – Mental Health and Substance Use Disorder Benefits – Sunset Repeal and Modification of Reporting Requirements.

Health & Government Operations Committee February 22, 2024

SUPPORT

The federal Mental Health Parity and Addiction Equity Act (MHPAEA) was passed to reverse the double-standard in which mental health and substance use disorders were not considered as real conditions worthy of the same level of treatment as diseases of the body.

In spite of the development of effective, evidence-based treatments, this yawning gap persists and causes a huge burden of suffering that should have been prevented and treated. It is unconscionable that carriers in Maryland have failed to comply with MHPAEA since its adoption in 2008, fifteen years ago.

The bill incorporates federal compliance reporting standards enacted in 2021 after Maryland's 2020 law was enacted. These reporting standards require state-regulated insurance plans to prepare an annual comparative analysis of all NQTLs (Non-quantitative Treatment Limitations) and submit their analysis upon request to state regulators.

Since no Maryland carrier has provided interpretable information in their parity compliance reports, the MIA has been unable to enforce the law. The simple clarification that the burden of persuasion of compliance lies with the carriers will allow the MIA to enforce the parity law at long last. In other words, a finding of a substantive parity violation would be required if reports are incomplete.

Among other provisions, the bill establishes that compliance reports are submitted on a standard form developed by the commissioner that conforms to the federal regulations on NQTL reporting.

After fifteen years of non-compliance, continued years of delay in enforcement is unacceptable. We strongly urge a favorable report.

Respectfully,
Joseph A. Adams, MD, FASAM, board-certified in internal medicine and addiction medicine.