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Testimony on HB11

Health Insurance – Access to Nonparticipating Providers – Referrals, Additional Assistance, and Coverage

House Health and Government Operations Committee

January 30, 2025

POSITION: SUPPORT

The Community Behavioral Health Association of Maryland (CBH) is the leading voice for community-based providers serving the mental health and addiction needs of vulnerable Marylanders. Our 87 members serve the majority of individuals who access care through the public behavioral health system. CBH members provide outpatient and residential treatment for mental health and addiction-related disorders, day programs, case management, Assertive Community Treatment (ACT), employment supports, and crisis intervention.

In 2022, the Maryland General Assembly passed a law to protect Marylanders with private health insurance from having to pay higher costs when their insurance network is inadequate to meet their needs for mental health and substance use disorder care and they are required to go out-of-network for care. These protections are set to expire in July 2025. Maryland is still facing an overdose epidemic and mental health crisis, and we must prevent health insurers from reverting to shifting costs to Marylanders when their networks are inadequate to meet the need.

There continue to be significant barriers to behavioral health provider participation in commercial carrier networks. Most of these revolve around low reimbursement rates and challenges with the carrier credentialing process. The unmet need in Maryland is high and continues to rise. For example:

- In 2023, **more than 27%** of Maryland Adults reported symptoms of anxiety and/or depression and over 30% of adults had an unmet need for counseling or therapy for these conditions
- Of the 252,000 Maryland Adults who did not receive care, **1 in 3** reported this was due to cost
- Approximately **80% of adults** who were identified as needing SUD treatment in Maryland in 2022 did not receive treatment
- Maryland has experienced a **300% increase** in overdose-related deaths in the last decade, with **over 2,000 over-dose related deaths each year since 2016.**

HB11 is critical in ensuring Marylanders have access to mental health and substance use related care where and when needed. HB11 would:

March 27, 2023



- Remove the sunset to permanently authorize balance billing protections
- Enable *anyone* seeking mental health or substance use care to get a referral to go out of network – *not just those who already have a diagnosis*
- Align the balance billing protections with Maryland’s regulatory time and distance standards
- Require health insurers to provide assistance when individuals cannot find an out-of-network provider on their own
- Prohibit the use of prior authorization as an additional barrier to getting out-of-network care
- Ensure balance billing protections for the full duration of the treatment plan requested
- Authorize the Maryland Health Care Commission (MHCC) to establish a reimbursement rate formula for out-of-network mental health and substance use disorder providers.

It has been more than 15 years since the federal Mental Health Parity and Addiction Act passed in 2008, yet there continue to be significant barriers to Marylanders seeking in-network care. It is time we make permanent the protections that hold consumers financially harmless for the limitations of their carrier’s network. We urge a favorable report on HB11.

For more information contact Nicole Graner, Director of Government Affairs and Public Policy, at 240-994-8113 or Nicole@MDCBH.org