

2021 -- H 5070

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LC000206
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

H O U S E R E S O L U T I O N

RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS (BHDDH) TO FULLY ADDRESS ALL PREVIOUS VIOLATIONS AND TAKE ALL NECESSARY ACTIONS TO ENSURE ONGOING COMPLIANCE WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

Introduced By: Representative Joseph M. McNamara

Date Introduced: January 22, 2021

Referred To: House Health, Education & Welfare

1 WHEREAS, One in five American adults in the United States experience a mental health
2 disorder and one in nine individuals aged twelve or older experience a substance use disorder;
3 and

4 WHEREAS, Fewer than half of American adults with a mental health disorder receive
5 treatment, and fewer than one in eight individuals aged twelve or older with a substance use
6 disorder receive treatment; and

7 WHEREAS, During 2020, Covid-19 has measurably increased rates of anxiety,
8 depression, and suicide risk among all age groups of Americans; and

9 WHEREAS, Cost is a principle barrier to attaining mental health treatment, and lack of
10 health care coverage and cost are the top two reasons for not attaining substance use disorder
11 treatment; and

12 WHEREAS, The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction
13 Equity Act of 2008 was enacted to end insurer discrimination against people with mental health
14 and substance use disorders; and

15 WHEREAS, Fatal drug overdoses in Rhode Island were 28 percent higher in 2018 than in
16 2013, with nearly 300 deaths last year; and

17 WHEREAS, The suicide rate in Rhode Island increased 34 percent from 1999 to 2016;
18 and

1 WHEREAS, Ending insurer discrimination against mental health and substance use
2 disorder coverage will result in greater treatment and fewer deaths; and

3 WHEREAS, In *Wit v. United Healthcare Insurance Company*, a landmark mental health
4 ruling issued on March 5, 2019, a federal court held that United Behavioral Health (UBH), which
5 serves over 60 million members and is owned by UnitedHealth Group, used flawed internal
6 guidelines to unlawfully deny mental health and substance use treatment to insurance plan
7 members across the United States; and

8 WHEREAS, The federal court concluded that UBH developed its own medical necessity
9 criteria to evaluate outpatient, intensive outpatient, and residential treatment mental health and
10 substance use disorder claims that were inconsistent with generally accepted standards of
11 behavioral health care; and

12 WHEREAS, The federal court found that UBH's internally-developed guidelines were
13 intended to limit coverage to "acute" episodes or crises, such as when patients are actively
14 suicidal or suffering from severe withdrawal, rather than for ongoing care for chronic and co-
15 existing conditions; and

16 WHEREAS, The federal court found that UBH's guidelines improperly required reducing
17 the level of care by removing patients from residential treatment to some form of outpatient
18 therapy, even when treating providers - consistent with generally accepted clinical standards -
19 believed maintaining a higher level of care was more effective; and

20 WHEREAS, The federal court found that, from July 10, 2015, through June 1, 2017,
21 UBH violated R.I.G.L. § 27-38.2-1(g), which requires that insurers use criteria consistent with the
22 criteria from the American Society of Addiction Medicine (ASAM) for substance use disorder
23 claims, and instead used its own criteria that were inconsistent with the ASAM criteria; and

24 WHEREAS, No health plan subject to the jurisdiction of the State of Rhode Island should
25 be permitted to improperly reduce the level of care for people needing mental health and
26 substance use treatment or limit treatment to only acute care, denying people with chronic mental
27 health and substance use conditions ongoing treatment; now, therefore be it

28 RESOLVED, That this House of Representatives of the State of Rhode Island hereby
29 supports taking the necessary actions and respectfully requests the Rhode Island Department of
30 Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) to fully address all
31 previous violations of the federal Mental Health Parity and Addiction Equity Act of 2008, Rhode
32 Island parity law, and R.I.G.L. § 27-38.2-1(g); and be it further

33 RESOLVED, That this House hereby requests the BHDDH to take all necessary actions
34 to ensure ongoing compliance with the federal Mental Health Parity and Addiction Equity Act of

1 2008, Rhode Island parity law, and R.I.G.L. § 27-38.2-1(g); and be it further

2 RESOLVED, That the Secretary of State be and hereby is authorized and directed to
3 transmit duly certified copies of this resolution to the Honorable Gina Raimondo, Governor of the
4 State of Rhode Island and Michelle Place, Assistant to the Director of the Rhode Island
5 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals.

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