

New Hampshire Insurance Department

Advisory Committee on Behavioral Health and Addiction Services

January 22, 2018 meeting, 2:30 – 4:30 p.m.

Room 100, Walker Building, Concord, NH

Board Members in Attendance: Senator Dan Feltes, Andrea Rancatore, Dr. Richard LaFleur, Ken Norton, Dr. John Cabibi (sitting in for Dr. Paul Frehner), Dr. Peter Mason, Dr. William Brewster, Michele Merritt, Amelie Gooding, Christopher Kozak, Courtney Gray, and Lucy Hodder.

Board Members Unable to Attend: Representative Ed Butler, Marty Boldin, Senator Jeb Bradley, Representative John Hunt, Stephen Kozak, Abby Shockley, Joseph Plaia, Stephanie Savard, and Dr. Robert Feder.

Commissioner Sevigny welcomed the group at 2:30 p.m. and explained that Deputy Commissioner Alex Feldvebel would be sitting in for him as he needed to participate in an NAIC conference call. He asked if there were any comments on the notes from the November 14 meeting and hearing none, he continued reviewing the agenda and noted that Jenny Patterson, Director of Health Policy and LAH Market Conduct, would be giving the NHID updates.

NHID Updates –

Jenny kicked off the updates by explaining that Governor Sununu had written a [letter](#) (which was handed out) to U.S. Senators Lamar Alexander and Patty Murray who were seeking input from the states on what further changes to federal law or regulations would be helpful in combatting the opioid crisis. Continuing, she explained that the NHID worked with DHHS to assist the Governor's office with the letter. Jenny then introduced Maureen Belanger, LA&H Market Conduct Senior Examiner who gave an update on the market conduct exams on mental health parity. The market conduct exam warrants have been signed and issued to the companies and the exams are underway. In addition, Maureen and Jenny met with DHHS and shared standardized templates that a contractor developed for conducting a review of parity compliance. Maureen also explained that she has connected with CMS about Medicare members and the ER boarding issue.

Michael Wilkey, NHID Director of Life, Accident and Health then spoke about the provider complaint portal being developed for the Department's Consumer Services unit. There were a total of 115 provider complaints in 2017 of which 32 were specific to Behavioral Health and SUD services. Michael then discussed SB 429, a bill which strengthens the legal basis under which the NHID's Consumer Services unit operates. Michael went on to describe the soft rollout of the [new Provider Complaint Form](#) on the NHID website. The standardization of the process will make it easier for providers to share information and initiate complaints and for the Department to track complaints. For complaints on patients, the Consumer Division will work to resolve the issue and where the problem is systemic, the complaint will be referred to market conduct or as necessary, to other state agencies. Providers will have to register to use the portal.

DHHS Update –

Julianne Carbin represented DHHS and gave a brief update on the [Final Report on the Evaluation of the Capacity of the New Hampshire Behavioral Health System](#) which was issued December 22, 2017 and is posted on the DHHS website. The report's key findings are a steady increase in individuals experiencing boarding in ERs, variability of resources currently in place in different regions throughout the state, the role of community mental health centers and NH Hospital, and a need for better coordination, mobile response units and increased training for law enforcement and other first responders. Overall the report finds that bed capacity is sufficient, but there should be an increased focus on community-based services. The report will be used as the foundation for a 10-year planning process to include system planning, coordination and work force development.

NHID Presentation on Proposed Network Adequacy Rule--

Tyler Brannen reviewed the proposed Network Adequacy Rule, with a [slide show presentation](#) with the focus on BH/SUD. In addition to the specific service categories, he showed the top providers performing the services. He reminded everyone that this is a proposed rule, and requested feedback by January 29th.

Access to the network of providers was discussed. NHID oversees carrier compliance, but the capacity of the delivery system is a recognized problem in NH.

The revised rule will enter the formal rulemaking phase in February. Current rules expire at the end of July. The new model raises the minimum standards for carrier networks and access to behavioral health and SUD services.

Member updates--

Ken Norton quickly reviewed the Milliman report "[Addiction and Mental Health vs. Physical Health: Analyzing Disparities in Network Use and Provider Reimbursement Rates](#)" issued by NAMI. Ken noted that one big problem is psychiatrists are not accepting insurance. He also talked about provider reimbursement rate disparities identified in the report for NH, and noted that for the mental health centers the last increase was in 2006, so it is challenging to attract employees.

Upcoming legislation: Michelle Merritt explained to the group that SB 487, a bill being heard this week, is a bipartisan bill that allows more flexibility in clinical supervision requirements for licensure as a clinical social worker, clinical mental health counselor, or marriage and family therapist. The bill came out of a legislative study committee on workforce development. SB 502 was also mentioned; it allows for recognition of behavioral health needs in the charitable trust merger review process.

Wrapping up, Jenny Patterson mentioned that the NHID has entered into an MOU with the US Department of Labor to work with them regarding compliance with legal regulations including parity.

The next meeting is **February 20 at 1:30-3:30** in Room 100. Meeting was adjourned at 4:00 p.m.