



State of New Hampshire Insurance Department

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FOR IMMEDIATE RELEASE

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New Hampshire Insurance Department releases Final Orders Concluding Mental Health Parity Exams

CONCORD, NH (March 31, 2023) – The New Hampshire Insurance Department released two orders today concluding longstanding examinations of two major health insurers in the state regarding compliance with the Mental Health Parity and Addiction Equity Act (MHPAEA). MHPAEA is a federal law enforced by both state insurance departments and the federal Department of Labor. It requires health insurers to provide the same level of benefits for mental health and substance use disorder (MH/SUD) treatment as they do for medical/surgical care.

The New Hampshire Insurance Department was the first regulatory entity in the country to complete examinations under MHPAEA that focus on health insurer reimbursement levels for mental health services versus equivalent medical/surgical services, and to consider the question of parity in the efforts that health insurers make to build a robust network of mental health providers versus efforts to build medical/surgical networks.

“I’d like to recognize the tireless work of our team here at the Insurance Department, as well as the teams at the companies for the seriousness with which they tackled this important challenge,” said Insurance Commissioner Christopher Nicolopoulos. “I know that Granite State consumers have benefited from this work.”

The initial phase of these examinations resulted in a January 2020 order requiring both Anthem Blue Cross and Blue Shield in New Hampshire and Harvard Pilgrim Health Care to execute a Compliance Assurance Plan for demonstrating parity in procedures for establishing reimbursement rates and in efforts to build robust provider networks designed to meet the needs of covered persons. Since then, both companies have adjusted reimbursement rates and taken important steps to expand their mental health provider networks.

The order acknowledges the significant progress made by Anthem and Harvard Pilgrim in demonstrating that their mental health coverage is in parity with their coverage for medical/surgical services. For example, Anthem has brought new providers into its network for substance use disorder treatment and, separately, for in-home mental health treatment for teens and adults and worked to help integrate mental health into the primary care setting. Additionally, Anthem has begun reimbursing for services provided by unlicensed clinical behavioral health providers working towards licensure who possess at least a master's level education and are supervised by a licensed provider. Harvard Pilgrim has significantly expanded its mental health provider network and continues to aggressively recruit MH/SUD providers, including creating a more user-friendly credentialing process. Harvard Pilgrim has also revised its coverage to facilitate telehealth for mental health providers and to include coverage for FDA-approved, non-opioid pain management alternatives.

“We cannot underscore the importance of health carriers’ compliance with the MHPAEA, and their commitment to ensuring that Granite Staters have the same access to mental health care as they do to medical care,” said Deputy Commissioner DJ Bettencourt. “We will continue to devote the resources necessary to ensure progress on this important undertaking.”

Despite the progress that has been made, there is still work to be done. The Department’s order was agreed to by the companies and obligates Anthem and Harvard Pilgrim to keep up their efforts to improve access to mental health services and to document their compliance with the parity law.

“Over the past several years, the NHID has worked with health carriers to drive positive change towards better access for New Hampshire consumers,” said Life and Health Director Jason Dexter. “Moving forward, carrier compliance with the MHPAEA remains a high priority for the Insurance Department.”

The New Hampshire Insurance Department will continue to work with carriers, mental health providers, and mental health advocates to improve provider networks as necessary to ensure that carriers are meeting the MH/SUD treatment needs of consumers. Additionally, the New Hampshire Insurance Department will continue to collaborate with the federal Department of Labor to monitor and test compliance with the parity law.

The two orders can be viewed at <https://www.nh.gov/insurance/media/documents/ins-17-047-mc-ahp.pdf> and <https://www.nh.gov/insurance/media/documents/ins-17-047-mc-hphc.pdf>.

The New Hampshire Insurance Department Can Help

The New Hampshire Insurance Department’s mission is to promote and protect the public good by ensuring the existence of a safe and competitive insurance marketplace through the development and enforcement of the insurance laws of the State of New Hampshire. Contact us with any questions or concerns you may have regarding your insurance coverage at 1-800-852-3416 or (603) 271-2261, or by email at consumerservices@ins.nh.gov. For more information, visit <https://www.nh.gov/insurance>.

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