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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

SENATE RESOLUTION

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: Senators Miller, Felag, Metts, Lombardi, and Satchell

Date Introduced: April 04, 2019

Referred To: Recommended for Immediate Consideration

1 WHEREAS, One in five American adults in the United States experience a mental health
2 disorder and one in thirteen 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 ten individuals aged twelve or older with a substance use
6 disorder receive treatment; and

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

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

13 WHEREAS, Fatal drug overdoses in Rhode Island were 28 percent higher in 2018 than in
14 2013, with nearly 300 deaths last year; and

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

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

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

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

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

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

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

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

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

31 RESOLVED, That this Senate hereby requests the BHDDH to take all necessary actions
32 to ensure ongoing compliance with the federal Mental Health Parity and Addiction Equity Act of
33 2008, Rhode Island parity law, and R.I.G.L. § 27-38.2-1(g); and be it further

34 RESOLVED, That the Secretary of State be and hereby is authorized and directed to

- 1 transmit duly certified copies of this resolution to the Honorable Gina Raimondo, Governor of the
- 2 State of Rhode Island and Rebecca Ross, Director of the Rhode Island Department of Behavioral
- 3 Healthcare, Developmental Disabilities and Hospitals.

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