

**Working Group Regarding
Treatment and Coverage of Substance Abuse
Disorders and Mental Illness**



Annual Report

**Produced by:
State of Illinois
Department of Insurance**



Illinois Department of Insurance

JB Pritzker
Governor

ROBERT MURIEL
Director

September 15, 2020

To the Honorable Members of the General Assembly:

The Department of Insurance (DOI) is pleased to submit its Annual Report of the Working Group Regarding Treatment and Coverage of Substance Abuse Disorders and Mental Illness as required by The Heroin Crisis Act (Public Act 99-0480) and specifically pursuant to 215 ILCS 5/370c.1(h)(2).

215 ILCS 5/370c.1(h)(2) requires the DOI, in coordination with the Department of Human Services and the Department of Healthcare and Family Services, to convene a working group of health care insurance carriers, mental health advocacy groups, substance abuse patient advocacy groups, and mental health physician groups for the purpose of discussing issues related to the treatment and coverage of substance abuse disorders and mental illness. 215 ILCS 5/370c.1(h)(2) required the Working Group to meet once before January 1, 2016, and semiannually thereafter.

The attached Annual Report to the General Assembly includes a list of the health care insurance carriers, mental health advocacy groups, substance abuse patient advocacy groups, and mental health physician groups that participated in the Working Group meetings, details on the issues and topics covered, and legislative recommendations as required by statute.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "R. Muriel".

Robert H. Muriel
Director of Insurance

Table of Contents

Working Group Regarding Treatment and Coverage of Substance Use Disorders and Mental Illness Annual Report.....	1
2020 Behavioral Health Accomplishments.....	5
Appendix A: Statutory Language Creating the Working Group.....	6
Appendix B: Working Group Members.....	7

Working Group Regarding Treatment and Coverage of Substance Abuse Disorders and Mental Illness Annual Report

In 2015, Public Act 99-0480 (The Heroin Crisis Act) created a Working Group with the stated purpose of discussing issues related to the treatment and coverage of substance abuse disorders and mental illness. The specific statutory language that established the Working Group can be found in Appendix A.

The Illinois Department of Insurance (DOI) manages the oversight of and provides staff support for the Working Group in coordination with the Department of Human Services (DHS), the Department of Healthcare and Family Services (HFS) and the Department of Public Health (DPH). The Working Group meets in accordance with the Illinois Open Meetings Act. Meeting Agendas and Approved Minutes are available on the DOI website.

DOI's ultimate goal for the Working Group is to learn what type of education is still needed and to accurately determine where to devote resources. Working Group meeting participants are encouraged to use the DOI for assistance, to convene meetings and have conversations.

Working Group Participants

- Health care insurance carriers
- Mental health advocacy groups
- Substance abuse patient advocacy groups
- Mental health and substance use disorder treatment providers
- Representatives from relevant state regulatory and human service agencies

Working Group meetings covered in this 2020 Annual Report

- March 11, 2020 from 1:30 p.m. to 3:00 p.m. CT
- July 15, 2020 from 1:30 p.m. to 3:00 p.m. CT

Meeting Locations

The March 11, 2020 meeting was held at the Video Conference Room of the State of Illinois, Department of Insurance Office, 320 W. Washington St., 4th Floor, Springfield, Illinois 62767, and the Video Conference Room of the State of Illinois, Department of Insurance, 122 S. Michigan Ave., 19th floor, Chicago, IL 60603. The July 15, 2020 meeting was held via WebEx conference call due to the COVID-19 Pandemic.

March 11, 2020 Meeting

The March 11, 2020 meeting focused on various tasks conducted by DOI. The following issues and topics were covered.

2019 ACA Open Enrollment Overview. The Get Covered Illinois team within the Department of Insurance presented a 2019 ACA Open Enrollment Overview. The presentation included enrollment statistics as well as outreach initiatives on behalf of DOI.

Committee Testimony and Grant Extension Work. DOI provided feedback on testimony to the Senate Opioid Abatement Committee regarding DOI's work around Benchmark Plan changes. In 2018, DOI obtained approval from CMS for 5 critical changes to the Illinois Essential Health Benefit (EHB) Benchmark Plan to address opioid use disorder treatment.

Beginning in 2020, private health insurance companies offering plans on the individual and small group markets have been required to limit opioid prescriptions for acute pain and cover alternative therapies for pain. Illinois was the only state to change its EHB Benchmark Plan in time for the 2020 plan year.

The new plan:

- i. allows alternative therapies for pain,
- ii. limits opioid prescriptions for acute pain,
- iii. removes barriers to obtaining buprenorphine products for medically assisted treatment (MAT) of opioid use disorder
- iv. covers prescriptions for at least one intranasal spray opioid reversal agent when initial prescriptions of opioids are dosages of 50MME or higher, and
- v. covers tele-psychiatry care by both a prescriber and a licensed therapist.

DOI received an extension for federal grant funding to track the success of these Benchmark Plan changes. Utilizing funding to track 2020 Benchmark Plan changes would provide critical metrics and information that may be used to measure both success and future opportunities. Collected data can provide DOI with metrics at a state level, as well as different geographical areas. However, it is important to note that metrics will not be measurable in the short term as the benchmark changes to the impacted plans did not go into effect until Jan 1, 2020.

Interagency Work. Members expressed the importance of having all agencies at the table in order to effectively come up with solutions to ensure mental health parity. DOI reached out to HFS and DHS before the second meeting of 2020 to ask the other agencies to participate in future meetings. Members discussed the need for an interagency portal where one person can go to cite a parity violation. Members expressed that violations are currently too confusing for the consumer.

Status on the Mental Health Parity Working Group. Members inquired on the status of the standardized reporting format and work of the mental health parity data workgroup created by 215 ILCS 5/370c.1(j). The 2020 mental health parity working group first convened on February 28, 2020. The group discussed researching different state templates for collecting parity data. The group members committed to researching and analyzing the New York and Pennsylvania templates on behalf of their organizations.

Legislation simplifying consumer plans. The working group discussed legislation that would mandate insurance companies regulated by DOI to print what type of plan the consumer has on the back of their insurance card. The working group expressed that this would help regulators, consumers, and providers when navigating plan benefits. The working group committed to researching various legislative measures that accomplish the objective.

July 15, 2020 Meeting

The July 15, 2020 meeting focused on various reports from DHS, HFS, and DOI. The following issues and topics were covered.

DHS's SUPR Program. DHS provided the group with a SUPR Program overview. DHS explained that there is a large ad campaign for opioid prevention. DHS mentioned that there are some counties in Illinois that still do not have a provider that can prescribe buprenorphine. DHS also explained that there has been an increased use in opioids due to the COVID-19 Pandemic. For the drug naloxone, DHS funds programs that train first responders to distribute the drug. COVID-19 has taught us a lot about keeping inventory of health products. IDPH must gather ventilators available and track them. It occurred to the group that they did not know what resources existed for substance use disorder systems. The State's 2021 Opioid Action Plan has a plan to develop a statewide website for opioids which is under development. DHS staff explained to working group members that the SUPR helpline would usually cover individuals and get said individuals to a provider, regardless of insurance. There is a monthly report on the DHS website that exports this data for the helpline. DHS explained that many calls to the helpline are regarding alcohol, which is not a substance covered under grant funding.

Benchmark Plan Changes and Grant Funding. DOI reported that the agency provided testimony to the Senate Opioid Abatement Committee regarding its work with Benchmark Plan changes. In 2018, the Department obtained approval from the federal Centers for Medicare and Medicaid Services for five critical changes to the Illinois EHB Benchmark Plan to address opioid use disorder treatment. Illinois was the only state to change its EHB Benchmark Plan in time for the 2020 plan year. DOI followed up from the previous meeting to report that the agency had been granted an extension in funding for the purpose of collecting data in order to analyze the effectiveness of the benchmark plan changes. The DOI team is in the process of creating modeling and metrics points to track the benchmark changes. DOI is working closely with State Health and Value Strategies, a program of the Robert Wood Johnson Foundation housed at

Princeton University, to assist us in the request for proposal process and writing out plans. DOI stated that the agency is incredibly grateful to have their assistance in these efforts.

Mental Health Parity Working Group Status. DOI reported that the 2020 mental health parity working group first convened on February 28, 2020. Since this time, there have been cancelled meetings due to the global pandemic COVID-19. On June 9, 2020, DOI released supplemental meeting dates. The first supplemental meeting was held on June 26, 2020. The group decided that all members were to give their comments on the New York and Pennsylvania reporting formats no later than July 10, 2020. The next meeting was held July 17, 2020 at 11:00a.m. - 12:00p.m.

Market Conduct and Targeted Mental Health Parity Examinations. DOI reported that it had successfully closed the five market conduct targeted mental health parity examinations on the following health insurance issuers: Celtic Insurance Company, Cigna HealthCare of Illinois, Cigna Health and Life Insurance Company, Health Care Services Corporation, and three entities within UnitedHealth Group. All examinations have been finalized and posted publicly to the website. Examination periods spanned the time frame between 2016 and 2018 and included findings relating to non-compliance with medical necessity guidelines as outlined by the American Society of Addiction Medicine, step therapy for “Depression Diagnosis Only” patients, and prior authorizations on buprenorphine-containing medications. In total, the Department was able to bring in more than \$2 million for the Parity Advancement Fund. DOI referred members to the Department’s website to review these reports in more detail.

Consumer Opioid Outreach. DOI reported that between November 2019 and January 30, 2020, Get Covered Illinois created digital advertisements, radio advertisements, and television advertisements placed statewide to highlight consumer’s mental health parity rights under the law and how DOI is here to support consumers in seeking relief if their rights have been violated. The radio spots were both in English and in Spanish. DOI reported that no consumer toolkits have been distributed to the public in 2020. Get Covered Illinois will insert the one-page disclaimer, pending final approval, into the toolkits until new toolkits can be printed.

Telehealth. Members asked if the Department had any knowledge on insurance plans rolling back telehealth services on July 31, 2020. DOI staff had conversations with industry regarding rolling back telehealth and confirmed that the information was inaccurate. Plans had expressed to DOI that carriers would extend the current accommodations until the end of the year.

Legislative Recommendations and Considerations

The working group did not finalize any specific legislative recommendations during the 2020 meetings. The working group is currently researching and analyzing the validity and effectiveness of requiring all insurance companies regulated by DOI to place a marker on all insurance cards in order to assist consumers, providers, and regulators with specific plan-based questions, concerns, and complaints.

2020 Behavioral Health Accomplishments

Market Conduct Examinations

Since 2019, DOI has completed five market conduct examinations evaluating compliance with MH/SUD coverage and parity laws for the following companies:

- CIGNA Healthcare of Illinois
- UnitedHealth Group, specifically:
 - UnitedHealthcare Insurance Company
 - UnitedHealthcare of Illinois
 - UnitedHealthcare Insurance Company of the River Valley
- CIGNA Health and Life Insurance Company
- Health Care Service Corporation
- Celtic Insurance Company

Each market conduct examination in which the DOI has found violations of law has resulted in a stipulation and consent order requiring the company to correct all activities where violations were found, pay a civil forfeiture, and provide proof of compliance to the DOI. The orders and the final reports are posted publicly on the DOI website. The following is a summary of findings by company for the recent round of examinations:

- CIGNA HealthCare of Illinois paid \$582,000 for violations including failing to use medical necessity guidelines from the American Society of Addiction Medicine (ASAM) as required by statute, and for not allowing providers to request an exception to the company's step therapy requirement for prescriptions.
 - Total Number of Finable Violations: 6
 - Signed Order: 4/29/2020
- UnitedHealth Group paid \$550,000 for violations including failing to use ASAM guidelines, requiring prior authorization from the company before a provider could prescribe the patient buprenorphine to help fight a substance use disorder, and requiring prior authorization for certain ADHD medications.
 - Total Number of Finable Violations: 10
 - Signed Order: 7/10/2020
- CIGNA Health and Life Insurance Company paid \$418,000 for violations including failing to use ASAM guidelines and imposing step therapy for a class of drugs only when used to treat depression.
 - Total Number of Finable Violations: 5
 - Signed Order: 4/29/2020

- HCSC paid \$325,000 for violations including requiring prior authorization from the company before a provider could prescribe the patient buprenorphine to help fight a substance use disorder.
 - Total Number of Finable Violations: 2
 - Signed Order: 3/20/2020
- Celtic paid \$208,000 for violations including failing to perform proper internal testing to confirm that all plans are in parity.
 - Total Number of Finable Violations: 5
 - Signed Order: 1/17/2019

Educational Actions

- The Access to Care and Treatment Parity Outreach and Education Program conducted face-to-face meetings with citizens, delivered formal presentations, provided printed materials, and offered one-on-one guidance to educate citizens on obtaining coverage and parity. This includes education on consumers’ rights and responsibilities, and whom to contact at DOI when they need assistance navigating insurance or filing a complaint when their rights have been violated.
- Between November 2019 and January 2020, Get Covered Illinois created digital advertisements, radio advertisements, and television advertisements placed statewide to highlight consumer’s mental health parity rights under the law and how the DOI is here to support them in seeking relief if their rights have been violated. The radio spots were both in English and in Spanish.
- Through the creation of printed material completed, DOI was able to better to educate the public on what their rights are under the law. A multi-fold “palm card” was printed and distributed. This card helped educate the public on key insurance terms, provided guidance on their primary care physical, and outlined all essential health benefits. The palm card was printed in clear language that states to the consumer how their parity rights may be violated and how they can seek relief through the DOI if they suspect their rights are being violated.

Statutory Language Creating the Working Group

Appendix A

215 ILCS 5/370c.1(h)(2)

The Department, in coordination with the Department of Human Services and the Department of Healthcare and Family Services, shall convene a working group of health care insurance carriers, mental health advocacy groups, substance abuse patient advocacy groups, and mental health physician groups for the purpose of discussing issues related to the treatment and coverage of substance abuse disorders and mental illness. The working group shall meet once before January

1, 2016 and shall meet semiannually thereafter. The Department shall issue an annual report to the General Assembly that includes a list of the health care insurance carriers, mental health advocacy groups, substance abuse patient advocacy groups, and mental health physician groups that participated in the working group meetings, details on the issues and topics covered, and any legislative recommendations.

Working Group Members

Appendix B

2020 Working Group Members

Name	Organization
Sara Howe	Illinois Association for Behavioral Health
David Applegate	The Kennedy Forum
Kelly Epperson	Rosecrance Health Network
Jud Deloss	Illinois Association for Behavioral Health
Renee Popovits	Popovits Law Firm, P.C.
Lia Daniels	Illinois Health and Hospital Association
Laura Minzer	Illinois Life and Health Insurance Council
Kevin Smith	Health Alliance
Audrey Smith	Health Stakeholder
Tom Britton	The Gateway Foundation

2020 Working Group Meeting Agency Staff Participants

Kate Morthland	DOI
Sara Stanberry	DOI
Ryan Gillespie	DOI
Michelle Baldock	DOI
Erica Weyhenmeyer	DOI
Brian Gorman	DOI
Laura Pellikan	DOI
Robert Muriel	DOI
Robert Planthold	DOI
Litza Mavrothalasitis	DOI
Patrice Dziire	DOI
Shannon Whalen	DOI
Kristine Herman	HFS
Jayne Antonacci	DHS
Kathleen Monahan	DHS

2020 Working Group Meeting Participants March 11

Audrey Smith	Health Stakeholder
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Sara Howe	Illinois Association for Behavioral Health
Tom Britton	The Gateway Foundation
David Applegate	The Kennedy Forum
Kelly Epperson	Rosecrance Health Network
Jud Deloss	Illinois Association of Behavioral Health
Renee Popovits	Popovits Law Firm, P.C.
Lia Daniels	Illinois Health and Hospital Association
Laura Minzer	Illinois Life and Health Insurance Council
Kevin Smith	Health Alliance

2020 Working Group Meeting Participants July 15

Meryl Sosa	Illinois Psychiatric Society
Jud Deloss	Illinois Association of Behavioral Health
David Applegate	The Kennedy Forum
Renee Popovits	Popovits Law Firm, P.C.
Community Behavioral Health Association	Community Behavioral Health Association
Kelly Epperson	Rosecrance Health Network
Kevin Smith	Health Alliance
Laura Minzer	Illinois Life and Health Insurance Council
Tom Britton	Gateway Foundation
NAMI: National Alliance on Mental Illness	NAMI: National Alliance on Mental Illness