

March 12, 2021

VIA ELECTRONIC MAIL

Arizona Department of Insurance and Financial Institutions (DIFI)
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007
Public_comments@difi.az.gov

Re: Comments on proposed mental health parity rulemaking

Thank you for allowing the opportunity to provide feedback on the proposed rulemaking related to Jake's Law (SB 1523, Laws 2020, Ch. 4). Jake's Law codified the federal Mental Health Parity and Addiction Equity Act ("MHPAEA") into Arizona law, prohibiting health insurers from imposing less favorable benefit limitations on mental health and substance use disorder ("MH/SUD") benefits than those imposed for medical and surgical ("Med/Surg") benefits. Included within SB 1523, DIFI is required to promulgate rules to operationalize the MHPAEA by setting standards to measure health insurers' compliance with MHPAEA's mandates and by developing forms and worksheets for health insurers to report the specific items related to the MHPAEA.

On behalf of Arizona Complete Health (AzCH), please find our comments below.

There are three Exhibits within the rulemaking requiring further guidance from DIFI to ensure the requested reporting requirement is clear, as well as to further clarify how the requirement will demonstrate compliance with MHPAEA.

- **Exhibit K: Rate Approval only for Lower Level of Care for Med/Surg v. MH/SUD Care.** This is a new exhibit that was not previously shared at the time DIFI requested stakeholder feedback in October 2020. This is not information AzCH has available or that could be easily obtained. It is also not clear what the intent is with this request or how it would further the purpose of demonstrating MHPAEA compliance. AzCH requests DIFI provide additional clarification on what the Department is seeking with this Exhibit and the standard that is being set forth upon which to measure MHPAEA compliance.
- **Exhibit L: Allowed Amounts, Med/surg v MH/SUD using Medicare Benchmarks.** Additional information is needed to further define the objective with this data collection. In its current form, AzCH is not clear what is being asked and for what purpose. This does not establish a clear standard upon which compliance will be measured. AzCH requests DIFI provide additional clarification.
- **Exhibit N: MM Techniques by Benefit.** There is not enough information in the table for the health plan to formulate a response, nor enough clarity to understand the standard upon which MHPAEA compliance would be measured. Further definition and guidance is needed from DIFI.

Thank you for the opportunity to provide feedback to this important initiative. Please do not hesitate to reach out to me should you need any further information. We stand ready to serve as your partner in this effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'MC', with a long horizontal line extending to the right.

Monica H. Coury
Vice President, Legislative and Government Affairs

cc: Cheyenne Ross, Vice President, Compliance