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Testimony in Support of HB 443
Tim Johnson, Policy Advocate
Ohio Poverty Law Center
Ohio House Health Committee
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Chairman Lipps, Vice-Chair Holmes and Ranking Member Boyd, my name is Tim Johnson and I am a policy advocate for the Ohio Poverty Law Center. The Ohio Poverty Law Center's mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty. Thank you for allowing me to submit written testimony in support of House Bill 443, which would enhance parity compliance in Ohio.

Ohioans who are struggling with mental health or substance use issues deserve access to treatment. Yet often insurers will place barriers in the way of those who are suffering from mental health or substance use issues that are not in place for those trying to access physical health services. In order to level the playing field congress passed the Mental Health Parity and Addiction Equity Act (MHPAEA) in 2008 which prohibited insurers from placing any limitations on treatment benefits for mental health and substance use disorder that were not in place for medical or surgical benefits.

Despite passage of the MHPAEA and Ohio's own mental health parity law in 2006, parity enforcement has been severely lacking in Ohio. According to a Milliman research report released in 2019, Ohioans seeking outpatient behavioral health treatment were 5 times more likely to go out-of-network than Ohioans seeking outpatient medical/surgical treatment. Ohioans seeking in-patient treatment for behavioral health issues were more than 3 and a half times more likely to go out of network than Ohioans seeking in-patient medical/surgical treatment. The report also found that reimbursement rates to providers for behavioral health office visits were lower than those for inpatient medical/surgical office visits. Insurers also may use other hurdles to care such as prior authorization requirements or step therapy protocols that ultimately discourage people from seeking treatment.

HB 443 would enforce the parity requirements under the MHPAEA so that there are not any treatment limitations for mental health and substance use disorder benefits that are not also applied to medical and surgical benefits. Public and private insurers will be required to

submit compliance reports to the Superintendent of Insurance and the Director of Medicaid, which will increase transparency and accountability. Currently if an insurer is not following parity requirements it is incumbent upon Ohioans to file a complaint with the Department of Insurance. Unfortunately, many Ohioans are not aware of parity requirements and are not focused on filing complaints while trying to get treatment for themselves or their family members. Compliance reporting will allow the Department of Insurance and the Department of Medicaid to take a more active role in parity enforcement.

Lastly, the bill prohibits insurers from requiring step therapy or prior authorization for medication used in the treatment of substance use disorders. HB 443 would also require these medications to be placed at the lowest tier of the drug formulary. While Ohio is currently facing the COVID-19 pandemic, we must not forget the state is still in the midst of an opioid crisis. HB 443 will ensure that Ohioans who are struggling with addiction issues are able to receive treatment without delay.

Parity enforcement will help ensure that low-income Ohioans have access to a full and complete continuum of care without barriers or hurdles. HB 443 puts patients and their treatment first, and we urge its swift passage. If the committee has any questions or would like additional information, please feel free to reach out at any time.