

# SB317 - No Behavioral Health Cost Sharing

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NM Office of Superintendent of Insurance's Actions Supporting Implementation of the Statute

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# The Basics



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**SB317 eliminates ALL cost sharing – deductibles, coinsurance and copayments – for most BH services:**

- Professional and ancillary services for the treatment, habilitation, prevention and identification of mental illnesses, substance abuse disorders and trauma spectrum disorders, including:
- Inpatient, detoxification, residential treatment and partial hospitalization, intensive outpatient therapy;
- Outpatient and all medications, including brand-name pharmacy drugs when generics are unavailable.

# The Basics



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## **SB317 applies to:**

- All health insurance issued under the Health Purchasing Act – that is, all insurance issued to New Mexico state, municipal, and public school employees
- All fully insured group and individual policies delivered, issued for delivery or renewed in New Mexico, including HMO policies and nonprofit health care plans

**SB317 goes into effect on January 1, 2022 and remains in effect until December 31, 2026.**

# OSI Actions



**OSI developed guidance for applying SB317 to assure equal treatment. Guidance was issued as Bulletin 2021-009 on June 14.**

We consulted the bill's sponsor, Senator Martin Hickey, to be sure the guidance reflected the intent of the bill.

We solicited and received input from carriers.

The guidance directs carriers to use a set of specific criteria to identify claims as BH services not subject to cost sharing.

The guidance includes a list of drug therapeutic categories and classes to identify BH prescription drugs.

The guidance excludes BH emergency room and urgent care services from the BH cost-sharing exemption.

# OSI Oversight



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OSI's Life and Health Division reviews all health insurance products marketed by the carriers we regulate for compliance with laws and regulations..

We review benefit packages to assure they meet federal and state requirements, including cost-sharing arrangements.

New products that go into effect on or before January 1, 2022 are now reviewed for compliance with SB317.

All active plans that will be in effect on January 1, 2022 must also comply with SB317.

# OSI Plans



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## Consumer Education

- Raise awareness about the elimination of cost sharing for BH services.
- What to do if the insured thinks the health plan incorrectly imposed cost sharing on a BH service.

## Reporting

- SB317 requires OSI to submit an annual report on the effects of the elimination of cost sharing for BH services.

# Questions?



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