

SENATE CONCURRENT RESOLUTION NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATORS DUNBAR, Giessel, Gray-Jackson

Introduced: 2/19/24

Referred: Health and Social Services

A RESOLUTION

1 **Recognizing the need for parity in the provision of mental health and substance use**
2 **disorder medical assistance benefits in the state; and urging the Department of Health to**
3 **adopt regulations that ensure parity in the provision of mental health and substance use**
4 **disorder medical assistance benefits in the state.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** the Paul Wellstone and Pete Domenici Mental Health Parity and
7 Addiction Equity Act of 2008 (MHPAEA) is a federal law that generally prevents group
8 health plans and health insurance issuers that provide mental health or substance use disorder
9 benefits from imposing less favorable benefit limitations on those benefits than on medical or
10 surgical benefits; and

11 **WHEREAS** at least 37 states have enacted mental health parity laws; and

12 **WHEREAS** federal regulations contain an illustrative, nonexhaustive list of
13 nonquantitative treatment limitations (NQTL) that serve as warning signs that a health plan or
14 health insurance issuer may be imposing an impermissible NQTL; and

15 **WHEREAS** state regulations include six NQTLs relating to the provision of mental

1 health and substance use disorder benefits, including requiring service authorizations and
 2 time-based treatment plans; and

3 **WHEREAS** those NQTLs cause long delays and create barriers for individuals
 4 seeking mental health and substance abuse treatment; and

5 **WHEREAS** state regulations relating to the provision of medical and surgical benefits
 6 do not include the six NQTLs applicable to the provision of mental health and substance use
 7 disorder benefits; and

8 **WHEREAS** state regulations relating to the provision of medical and surgical benefits
 9 consist of one page, while state regulations relating to the provision of mental health and
 10 substance use disorder benefits consist of over 120 pages; and

11 **WHEREAS** an undue administrative burden is placed on providers of mental health
 12 and substance use disorder benefits, and the clients and patients of the providers, as a result of
 13 the lack of parity in the provision of mental health and substance use disorder benefits; and

14 **WHEREAS** immediate access to outpatient and inpatient mental health and substance
 15 use disorder services is adversely compromised as a result of the lack of parity in the
 16 provision of mental health and substance use disorder benefits; and

17 **WHEREAS** whole-person, integrated physical and behavioral health care is
 18 recognized as best practice; and

19 **WHEREAS** the state's medical assistance plan is a fee-for-service plan; and

20 **WHEREAS** a medical assistance plan that is a fee-for-service plan is not required to
 21 meet the requirements of the MHPAEA; and

22 **WHEREAS** the Department of Health has the power to adopt regulations that ensure
 23 the state's medical assistance plan meets or exceeds the MHPAEA's parity requirements;

24 **BE IT RESOLVED** that the Alaska State Legislature recognizes the need for parity in
 25 the provision of mental health and substance use disorder medical assistance benefits to
 26 ensure that

27 (1) medical assistance benefit recipients have equitable access to care;

28 (2) care coordination among medical assistance physical health care providers
 29 and behavioral health care providers is streamlined;

30 (3) the provision of medical assistance benefits and services is efficient and
 31 cost-effective;

1 (4) the state and people in the state do not overuse emergency rooms and
2 correctional facilities for behavioral health concerns; and

3 (5) the state has a stable and effective behavioral health workforce; and be it

4 **FURTHER RESOLVED** that the Alaska State Legislature urges the Department of
5 Health to adopt regulations that ensure parity for medical assistance providers and medical
6 assistance recipients in the provision of mental health and substance use disorder medical
7 assistance benefits and services in the state.