

HOUSE CONCURRENT RESOLUTION NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PRAX, Armstrong

Introduced: 2/15/24

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;

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.