Honorable Governor Kathy Hochul

Executive Chamber - NYS Capitol

Albany, NY 12224

October 20, 2024

Dear Governor Hochul:

We remain deeply grateful to you for continuing to make the mental health of New York's children and youth one of your top priorities.

We are writing today to request that you build on your impressive leadership in this area by enacting a policy reform that will ensure increased access to care for ALL of New York's children and **youth *regardless of the type of insurance they have.*** Specifically, we urge you to include the proposed legislative language (below) in your upcoming executive budget that would ensure the same exact group of behavioral health services made available to our children and youth under Medicaid are also available to children and youth with a state-regulated commercial health plan.

Presently, there is a considerable number of Medicaid-reimbursed mental health and substance use disorder services available through the OASAS and OMH systems of care that are not also required under many commercial policies sold in New York. Examples of such essential programs and services for children include, but are not limited to: Children and Family Treatment and Support Services and Children's Home and Community Based Services. The wise choices NYS has made over the years to develop a continuum of care for our children, youth and families with Medicaid is not also available to the many children and youth covered by an employer-sponsored or individual group health plan. This disparate access to critical mental health and substance use disorder services is a serious barrier to the availability of timely treatment for many young people experiencing a mental health and/or substance use disorder crisis.

Earlier this year New York State enacted a new state budget that includes a historic policy reform that will require many commercial plans to pay an adequate rate to OASAS and OMH licensed agencies for outpatient behavioral health services provided through New

York's public mental hygiene system. Providers have been suffering under the weight of deeply inadequate rates that were frequently 50% less than the required reimbursement rate for the same Medicaid services. This left many providers unable to provide care to commercial beneficiaries at a time when the youth mental health was exploding. But without an accompanying requirement that mandates commercial insurers to provide *the same range of services as those available through the NYS Medicaid Program,* New York's children and families with commercial insurance will be unable to access the treatment they need and deserve, and to benefit from the same group of services that have been deemed essential by New York State leaders. *We note that there is no fiscal for the state to require such parity in the commercial market.*

- In NYS in 2023, 11.7% of youth with private insurance had insurance that did not cover mental or emotional problems, ranking it 41st among other states (https://mhanational.org/sites/default/files/2023-State-of-Mental-Health-in-America-Report.pdf)
- In NYS in 2023, 53% of youth with major depression did not receive mental health services in the past year (https://mhanational.org/sites/default/files/2023-State-of-Mental-Health-in-America-Report.pdf)
- In NYS in 2023, 11% of youth are experiencing severe major depression and 16% of youth had at least one major depressive episode in the last year (https://mhanational.org/sites/default/files/2023-State-of-Mental-Health-in-America-Report.pdf
- 3,065 children and young people age 0-24 for hospitalized for self-harm in 2019, and 6,545 were admitted to an Emergency Department for self-harm (https://nyshc.health.ny.gov/web/nyapd/suicides-in-new-york)

Proposal to Require State Regulated Commercial Insurance and Child Health Plus to Provide Coverage for Children's Mental Health and SUD Services Consistent with Coverage under the NY Medicaid Program for Children

Amend Section 2511 of Public Health Law (Child Health Plus) and Sections 3216, 3221 and 4303 of Insurance Law (State-Regulated Commercial Insurance) as follows:

Every policy under this section shall include coverage for children's inpatient and ambulatory mental health and substance use disorder services at the same level and consistent with the inpatient and ambulatory mental health and substance use disorder services covered under the state medical assistance program under title 11 of article five of social services law, including such services authorized by state plan amendments, for children aged twenty-one and under.

This shall take effect on January 1, 2026.

Again, we thank you for your continuing leadership and dedication to address the behavioral health needs of New York's most vulnerable citizens. We are eager to discuss this proposal and the ways in which we can support your efforts to correct the current disparity in access to care for children, youth and their families simply because they are insured under a commercial policy.

Respectfully,

Lauri Cole, Executive Director, NYS Council for Community Behavioral Healthcare

Jennifer March, President, Citizens Committee for Children

Kayleigh Zaloga, President & CEO, NYS Coalition for Children Behavioral Health

Alice Bufkin, Coordinator, HealthyMinds, HealthKids Campaign

cc:

Karen Persichilli Keogh, Secretary to the Governor

Kathryn Garcia, Director of State Operations

Peter Hatch, Deputy Secretary for Human Service and Mental Hygiene

Blake Washington, Budget Director

Dr. James McDonald, MD, MPH, Commissioner, NYS Department of Health

Amir Bassiri, MSW, Dep. Commissioner, Office of Health Insurance Programs & New York State Medicaid Director

Commissioner Ann Marie T. Sullivan, MD, NYS Office of Mental Health

Commissioner Chinazo Cunningham, MD, NYS Office of Addiction Supports and Services