



Association for Behavioral
Health and Wellness

*Advancing benefits and services
in mental health, substance use
and behavior change.*

January 14, 2016

Kevin Counihan
Department of Health & Human Services
Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
200 Independence Avenue SW
Washington, DC 20201

RE: Draft 2017 Letter to Issuers in the Federally-facilitated Marketplaces

Dear Mr. Counihan:

The Association for Behavioral Health and Wellness (ABHW) appreciates this opportunity to provide comments on the Draft 2017 Letter to Issuers in the Federally-facilitated Marketplaces. Our comments mirror the letter we sent to Secretary Burwell related to the Notice of Proposed Rulemaking (NPRM) on Benefit and Payment Parameters for 2017.

ABHW is an association of the nation's leading behavioral health and wellness companies. These companies provide an array of services related to mental health, substance use, employee assistance, disease management, and other health and wellness programs to approximately 150 million people in both the public and private sectors. ABHW and its member companies use their behavioral health expertise to improve health care outcomes for individuals and families across the health care spectrum.

Our comments will focus on the following areas:

- network adequacy
- fraud prevention activities

Chapter 2: Qualified Health Plan and Stand-Alone Dental Plan Certification Standards - Section 3 Network Adequacy

To the extent possible, ABHW recommends that network adequacy standards be consistent across states. The application of uniformity eases the administrative burden for multi-state plans and creates equivalency as opposed to a varied assortment of standards. We recognize provider availability varies from state to state so identical standards across the country will likely be difficult to attain; however, where possible we encourage you to create uniformity in the standard.

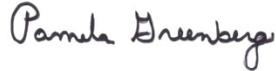
We appreciate the opportunity the draft letter to issuers gives plans to submit a justification when they are unable to meet the specified standards. This is important as there are shortages of many types of behavioral health providers. In addition, not all available providers choose to participate on managed care panels. This highlights the importance of telehealth as a means to help bring care to individuals where providers may not be available to them. ABHW member companies are also working to diversify their provider networks through specialty provider consulting. For example, where a geographic area lacks adequate availability of child and adolescent psychiatrists, connecting a child and adolescent psychiatrist from another area to consult with a social worker or a pediatrician can provide access to specialty knowledge/skills not otherwise available. We have also found the use of peer support service providers to be very helpful; while peers do not replace medical providers, they are an effective component of behavioral health treatment.

Chapter 6: FF-SHOPS - Section 5 Reporting Alleged Cases of Fraud or Ineligibility

Although not mentioned in the draft letter to issuers, ABHW supports modifying the treatment of a health insurance issuer's investments in fraud prevention activities for medical loss ratio (MLR) reporting purposes and amending the MLR regulation to permit the counting of a health insurance issuer's investments in fraud prevention activities among those expenses attributable to incurred claims. We request that you add a section to your final letter permitting expenses for fraud prevention activities to be considered as incurred claims. Our members use these activities to help ensure that limited behavioral health dollars go toward the provision of medically necessary services that help consumers recover. Undetected fraud often leads to increased premiums, higher out-of-pocket expenses, and reduced benefits. Allowing fraud prevention activities to be treated as an incurred claim will encourage plans to look for fraud without being preoccupied with how these activities will impact their MLR.

Thank you for the opportunity to comment on the Draft 2017 Letter to Issuers in the Federally-facilitated Marketplaces. If you have any questions or would like to discuss these issues with ABHW, please contact me at (202) 449-7660 or greenberg@abhw.org.

Sincerely,



Pamela Greenberg
President and CEO, ABHW