Bill as Introduced

HB 1134 – AS INTRODUCED

2000 SESSION

00-2502
01/10

HOUSE BILL ***1134***

AN ACT establishing a committee to study mental health care treatment under managed care plans.

SPONSORS: Rep. Crosby, Merr 20; Rep. Francoeur, Rock 22

COMMITTEE: Commerce

ANALYSIS

This bill establishes a committee to study mental health care treatment under managed care plans.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2502
01/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT establishing a committee to study mental health care treatment under managed care plans.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to study mental health care treatment under managed care plans.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study mental health care treatment under managed care plans. The duties of the committee shall include, but not be limited to, the following topics:

I. Provider choice.

II. Quantity and quality of mental health care treatment.

III. Traditional therapies versus psychotropic drugs.

IV. The allocation of premium dollars.

V. Mental health care services which have been restricted.

VI. Effectiveness of the parity law.

VII. Confidentiality.

VII. Private practice market.

IX. Ethical issues.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1134 Date Feb. 2, 2000

Committee Commerce

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Stuart Trachy	136 No. Main St. Concord	226-2984	Nat. Assoc. of Social Workers	✓	
Lisa McCullough	125 Airport Rd Concord, NH	225-0900	NH Hospital Association	✓	
Rep Joseph P Manning			Chos #9	✓	
Jodi Corimbilas	Concord	225-7170	NH Psychiatric Society	✓	
R. Joffre Barrault	MD	New Hampshire Hosp	NH Psych. Soc	✓	
Sheila Evans	POB 1072 Concord		NH Women's Lobby	✓	

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON HB 1134

BILL TITLE: establishing a committee to study mental health care treatment under managed care plans.

DATE: February 2, 2000

LOB ROOM: 302 **Time Public Hearing Called to Order:** 11:10 am

Time Adjourned: 11:59 am

(please circle if present)

Committee Members: Reps. Hunt, Francoeur, Herman, Tsiros, Belanger, McGough, Kenney, Langley, Pappas, Avery, Dalianis, DiFruscia, Marshall, M. Clark, Crosby, Russell, T. Reardon, Vachon, Taylor, Curran, Garrish and Keye.

Bill Sponsors: Reps. Crosby and Francoeur

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Crosby – sponsor. Time for study committee to look into all of the aspects of health care. There is a real need to study these topics.

Rep. Francoeur – co-sponsor. Agrees with Rep. Crosby. Mental Health is different than other kinds of health care.

Alex Feldvebel, NH DOI – Supports the bill. There are significant issues that need to be studied. Lots of complaints on mental health issues. They are working on a report, not yet complete. Patient confidentiality is also an issue. Several other issues are also in the forefront.

***Kelley Capuchino, Division of Behavioral Health** – Supports the bill. Written testimony. Providers are mandated to serve discharged patients. Discharge requirements can be in conflict with providers.

Dennis Martino, SEA – Most state employers question and complaints come from prescription coverage and mental health coverage. Then feel this is a very approximate bill. Seven employees spend all of their time on running through the bureaucratic maze of managed care.

Jane McClung, NH Psychological Association – Supports bill. Mental health issues more serious and more complex. Mental health issues are on a separate track. Mental health benefits have been cut 54%. New research showing consequences of decrease in mental health services.

Q: Business NH article says NH doing a great job. Isn't that true?

A: No. Article is false and misleading.

Leonard Korn, MD, NH Managed Care Coalition & NH Psychiatric Assn. – Supports the bill. Consequences of doing nothing can actually increase regular health care costs. Constitutional issues – real problem with 4th amendment. Private papers-mental health records-required by providers. Fifth Amendment is due process. Fourteenth amendment extended due process to state laws. We have a system in need of great repair.

Richard Bouley, NH Mental Health Counselors – Supports the bill. Very good arguments on why we should pass the bill.

Dr. David Charlesworth, NHMS – I succeed Georgia Tuttle. Cardiac surgeon. Depression in cardiac patients can be 20% more likely to die than those with no depression. Supports the bill.

Doris Sherman, NAMI-NH – Supports the bill. Volunteer. Mental health epidemic. One person in five has a problem. Lots of documentation available. We are a resource.

Respectfully Submitted:

Stephen G. Avery

Stephen G. Avery, Clerk

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON HB 1134

BILL TITLE: establishing a committee to study mental health care treatment under managed care plans.

DATE: 2/2/00 - Groundhog Day.

LOB ROOM: 302 Time Public Hearing Called to Order: 11:10 AM.

Time Adjourned: 11:59 AM

(please circle if present)

Committee Members: Reps. Hunt, Francoeur, Herman, Tsiros, Belanger, McGough, Kenney, Langley, Pappas, Avery, Dalianis, DiFruscia, Marshall, M. Clark, Crosby, Russell, T. Reardon, Vachon, Taylor, Curran, Garrish and Keye.

Bill Sponsors: Reps. Crosby and Francoeur

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Crosby - Sponsor - Time for a study committee to look into all of the aspects of Health Care. There is a real need to study these topics.

Rep. Francoeur - Co-Sponsor - agrees with Rep. Crosby. Mental Health is different than other kinds of Health Care.

Alex Feldvebel - NH DOT. Supports the bill. There are significant issues that need to be studied. lots of complaints on Mental Health issues. They are working on a report, not yet complete. Patient confidentiality is also an issue. Several other issues are also in the forefront.

Kelly Capuchino - Div. of Behavior Health - supports the bill. Written testimony. providers are mandated to serve discharged patients. discharge requirements can be in conflict with providers.

Dennis Martino - SEA. Supports the bill

Most State employees question and complaints come from perscription coverage and mental health coverage. They feel this is a very appropriate bill. 7 employees spend all of their time on running through the bearocratic maze of managed care.

Jane McClung - NH Psychological Assn - Supports - mental health issues more serious and more complex. Mental health issues are on a separate track. Mental Health benefits have been cut 54%. New research showing consiquences of decreasin mental health services. Be

Q. Business NH Article say NH doing a great job 'isn't that true.

A. NO. Article is False and misleading.

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Richard Bouley - NH Mental Health Counselors. supports the bill. - Very good arguments on why we should pass the bill

Dr. David Charlesworth - NHMS. - I succeed Georgia Tuttle. Cardiac surgeon - depression in cardiac patients can be 20% more likley to die than those with not. Supports the bill.

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Testimony

Testimony - Rt Kelly Capuchino

RE: HB 1134

Dear Representative

The Department of Health and Human Services, Division of Behavioral Health supports HB 1134. One issue the proposed study should consider directly affects the ability of clients of the state mental health system to receive appropriate care in their home communities.

At this time approximately 31 people are on conditional discharge from New Hampshire Hospital who are unable to obtain coverage for required services by their managed care companies. Typically the conditions require the person to keep scheduled appointments, accept treatment and cooperate with lab tests. The MCO may determine that the treatment is not medically indicated, even though the hospital and community mental health clinicians have determined the treatment to be essential to help the individual manage his/her illness. In other situations the mental health center may not be a network provider and the MCO denies coverage of services yet the cmhc is mandated to provide services.

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

RECEIVED
NOV 12 2000
By

MEMORANDUM

TO: Governor Jeanne Shaheen
Senate President Beverly A. Hollingworth
House Speaker Donna Sytek
Senate Clerk Gloria M. Randlett
House Clerk Karen O. Wadsworth
State Librarian Michael York

FROM: Representative Sheila T. Francoeur, Chair
Committee to Study Mental Health Care Treatment Under Managed Care Plans
(HB1134, Chapter 39, Laws of 2000)

DATE: November 1, 2000

RE: Final Report

Pursuant to Chapter 39, Laws of 2000, attached is the Final Report of the Committee to Study Mental Health Care Treatment under Managed Care Plans.

STF/sg
Enclosure
cc: Study Committee Members
Pam Smarling, Committee Researcher

Committee to Study Mental Health Care Treatment Under Managed Care Plans

(HB 1134, Chapter 39, Laws of 2000)

Final Report

November 1, 2000

Members of the Committee

Representative Sheila T. Francoeur, Chair
Representative Jane S. Langley
Representative Toni M. Crosby
Senator Katherine W. Wheeler
Senator Leo W. Fraser, Jr.
Senator Caroline McCarley

The organizational meeting was held in August, and at that time it was decided to conduct the hearings by allowing each segment of those affected by this study a day to present their issues. It was agreed that the committee would hear first from the providers of Mental Health Care, then some of the clients who have been or currently are patients in the system, and finally from representatives of the insurance industry.

The issues concerning Mental Health Treatment focused on two areas: Should New Hampshire have a full parity mandate and what would the effect of such a mandate be on quality of care and cost? Current law in New Hampshire is limited parity (RSA 417-E) and covers eight mental illnesses as defined in the most current edition of the *Diagnostic and Statistical Manual (DSM) of Mental Disorders* published by the American Psychiatric Association. Those illnesses are:

(a) Schizophrenia

(b) Schizoaffective disorder

(c) Major depressive disorder

(d) Bipolar disorder

(e) Paranoia and other psychotic disorders

(f) Obsessive-compulsive disorder

(g) Panic disorder

(h) Pervasive developmental disorder or autism

During the organizational meeting a representative from the Department of Insurance stated that rules were being drafted relating to parity and would soon be distributed for public comment.

Several studies were recommended to the Committee:

(1) *A Report of the Surgeon General On Mental Health*

(2) *Managing Mental Health Care in New Hampshire* by Randall A. Drew for the Josiah Bartlett Center for Public Policy

(3) *Mental Health Parity: What Can It Accomplish in a Market Dominated by Managed Care* by Alan L. Otten for the Milbank Memorial Fund.

At the first panel discussion the Committee heard testimony from providers in the mental health system. Their concerns were similar, relative to their area of expertise and focused on a reduction of benefits, reducing access to treatment, unnecessary delay in emergency situations, confidentiality, and additional administrative time and costs. The providers were in agreement that these issues impacted on the treatment that the patient sought and received. Utilization review was a concern, and the providers indicated that it was a way for the carriers to limit treatment when treatment was still necessary. It is difficult for providers to plan a course of treatment and then be subject to utilization review by the carrier and have the treatment plan jettisoned. The practitioners felt that they were caught in the middle, trying to provide treatment for their clients while being scrutinized by the carriers.

The second panel consisted of consumers of Mental Health Benefits. Their stories were very personal and they are all to be admired for their courage to appear at a public forum and discuss the difficulties they have encountered while seeking mental health care. Their concerns were the number of visits they were allowed as opposed to hospitalization days, difficulties in communicating with the carriers, a tendency to over prescribe rather than seek alternative methods of treatment, and an overall frustration in dealing with an administrative process when they were at a very vulnerable time in their lives. Of particular concern was dealing with a representative of a carve-out company located out of the state of New Hampshire and having an individual not familiar with the client making decisions on the plan of treatment.

The final panel consisted of representatives of the health carriers in the State of New Hampshire. The industry view is that progress has been made in the mental health area and to expand to full parity would result in higher premiums. Discussion of company carve-outs revealed that with the exception of Anthem Blue Cross Blue Shield all the companies were located out of New Hampshire. In response to questions concerning clients and providers experiencing unnecessary delays, all carriers felt that their service was constantly being reviewed and improved.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION on HB 1134

BILL TITLE: **establising a committee to study mental health care treatment under managed care plans.**

DATE: February 3, 2000

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Fuller Clark

Seconded by Rep.

Vote: 12-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

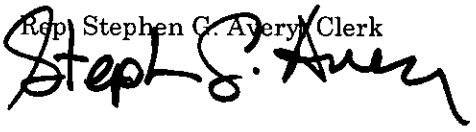
CONSENT CALENDAR VOTE: 12-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stephen G. Avery, Clerk



OFFICE OF THE HOUSE CLERK

2000 SESSION

COMMERCE

Bill #: HB 1134 Title: est.

PH Date: ____/____/____ Exec Session Date: 02/03/00

Motion: OTP Amendment #: ____

MEMBER	YEAS	NAYS
Hunt, John B, Chairman		
Francoeur, Sheila T, V Chairman	✓	
Herman, Keith R	✓	
Tsiros, William B		
Belanger, Ronald J	✓	
McGough, Tim S	✓	
Avery, Stephen G, Clerk	✓	
Kenney, Joseph D	✓	
Langley, Jane S	✓	
Pappas, Marc P		
Dalianis, Griffin T	✓	
DiFruscia, Anthony R		
Marshall, Gene B	✓	
Clark, Martha Fuller	✓	
Crosby, Toni M		
Russell, Ronald G		
Reardon, Tara G		
Vachon, Dennis P		
Taylor, Kathleen N		
Curran, James C		
Garrish, Linda L	✓	
Keye, Harvey	✓	
TOTAL VOTE:	12	0

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Commerce**

BILL NUMBER: **HB 1134**

TITLE: establishing a committee to study mental health care treatment under managed care plans.

DATE: February 3, 2000 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The committee heard overwhelming testimony as to the need for studying the many aspects of mental health which are defined in this bill. In particular, the New Hampshire Department of Insurance representative testified that they continue to receive an inordinate number of complaints concerning both access and coverage for mental health. Mental health benefits have been cut back severely at the same time one in five patients being diagnosed with mental health problems. Nearly everyone who testified agreed that New Hampshire's parity law is not working. Confidentiality is also an issue for mental health patients. The committee voted unanimously in favor of establishing a mental health study committee as requested in this bill..

Vote 12-0.

Rep. Martha Fuller Clark
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Commerce

HB 1134, establishing a committee to study mental health care treatment under managed care plans. OUGHT TO PASS

Rep. Martha Fuller Clark for Commerce: The committee heard overwhelming testimony as to the need for studying the many aspects of mental health which are defined in this bill. In particular, the New Hampshire Department of Insurance representative testified that they continue to receive an inordinate number of complaints concerning both access and coverage for mental health. Mental health benefits have been cut back severely at the same time one in five patients being diagnosed with mental health problems. Nearly everyone who testified agreed that New Hampshire's parity law is not working. Confidentiality is also an issue for mental health patients. The committee voted unanimously in favor of establishing a mental health study committee as requested in this bill.. Vote 12-0.