

**Mental Health Condition and Substance Use Disorder Parity Workgroup
(MHCSUD)**

FINAL DRAFT: Meeting Minutes

Tuesday, March 16, 2021

10:00 a.m.

TEAMS Live Events Virtual Meeting

Agenda Item 1: Welcome and Opening Remarks

The **Mental Health Condition and Substance Use Disorder Parity Workgroup (MHCSUD)** meeting was called to order at 10:00 a.m. by Mr. Greg Hansch, Chair. Mr. Hansch welcomed committee members and members of the public. Mr. Hansch stated that this was the eighteenth meeting of the MHCSUD Parity Workgroup.

Ms. Kayla Cates-Brown, HHSC Advisory Committee Coordination Office Facilitator, announced the meeting was being conducted in accordance with the Texas Open Meetings Act and noted that a quorum was present for the meeting.

Table 1: The Mental Health and Substance Use Disorder Parity Workgroup member attendance at the Tuesday, March 16, 2021 meeting.

MEMBER NAME	YES	NO	MEMBER NAME	YES	NO
Alvarez, Naomi	X		Hansch, Greg	X	
Bailey, Bill		X	Lackey, Melissa	X	
Bedford, Joe (joined @ Noon)	X		Layton, Sherri	X	
Bryan, Christine	X		Mitchell, Debbie		X
Felder, Diane	X		Porter, Nichol	X	
Gartenmann, Tracy	X		Sanchez, Eric		X
Garza, Delma		X	Villegas, Alba		X
			Weiss, Ted (joined @ 10:20am)	X	

Yes: Indicates attended the meeting

No: Indicates did not attend the meeting

Agenda Item 2: Review and approve January 26, 2021 meeting minutes

Mr. Hansch, Chair, referred members to the draft January 26, 2021 meeting minutes and requested for any changes or edits.

Motion: Ms. Nichol Porter made a motion to approve the minutes from the January 26, 2021 meeting as presented in the meeting. Dr. Diane Felder seconded the motion. The minutes were unanimously approved with no nays or abstentions.

Agenda Item 3: State Agency Updates

Mr. Hansch, Chair, introduced HHSC staff member, Kacie Cardwell, to provide the Medicaid/CHIP services agency update and staff members Avril Hunter, and Judy Palmer to provide an agency update for the Office of the Ombudsman. Mr. Hansch, Chair, introduced Texas Department of Insurance (TDI) staff members, Falecia Rivers, Rachel Bowden, Mark Webb and Cindy Wright to provide TDI updates.

a. Health and Human Services Commission (HHSC) – Medicaid/CHIP

Ms. Kacie Cardwell, Policy and Program Development, HHSC, provided members with an update from the Medicaid and Children's Health Insurance Program (CHIP) office. Ms. Cardwell responded to member questions.

Highlights of the update and workgroup member discussion included:

- Ms. Cardwell provided a legislative update.
 - Medicaid and CHIP office have received 150 bills to analyze. These bills cover other topics like for example: telehealth, Medicaid expansions, women's health, etc.
 - Ms. Cardwell highlighted House Bill (H.B) 2595, which is a bill that establishes October as MHCSUD Parity Awareness Month, and requires the Texas Department of Insurance (TDI) to create a complaint portal and educational materials about parity.
 - Ms. Cardwell also highlighted H.B. 1907 and Senate Bill 1135, which are bills about payor claims and claims database being hosted at the University of Texas at Houston, School of Public Health.
 - Updates to Texas Administrative Code, Title 1, 354.11 and 354.12 - proposed rule amendments. HHSC is reviewing public comments submitted before adoption.

b. Office of the Ombudsman

Ms. Avril Hunter, Ombudsman for Behavioral Health, HHSC, provided members with an update from the Office of the Ombudsman.

Highlights of the update and workgroup member discussion included.

- Ms. Hunter shared that the Office of the Ombudsman recently hired a Parity Ombudsman staff member and introduced Mr. Yakir Harosh.
- Mr. Harosh mentioned that the Office of the Ombudsman is looking into three parity cases. He provided a summary of the cases:
 - One (1) case is about parents attempting to secure residential treatment centers for their children.
 - One (1) case came from agency hotline.
 - Zero (0) cases came from an online submission.
 - Two (2) cases were referrals from Managed Care department.
- Ms. Hunter reminded members they can order Parity brochures and posters from the Office of the Ombudsman. Parity poster information was emailed to workgroup liaison, Andrea Elizondo to share with workgroup members and interested facilities.

c. Texas Department of Insurance (TDI)

Ms. Falecia Rivers, Project Manager, TDI, provided an update on the Texas Department of Insurance Parity Complaints received. Ms. Rachel Bowden, Director of Regulatory, TDI, provided members with an update on the TDI Regulatory efforts. Mr. Mark Webb, Manager and Ms. Cindy Wright, Consumer Protection Services Director, TDI, provided members with a presentation on the TDI Independent Dispute Resolution (IDR) process and responded to members questions.

Highlights of the update and workgroup member discussion included.

- Ms. Falecia provided an update on four confirmed claims from 2020 regarding Parity unsatisfactory settlement offers.
- Ms. Falecia announced that on January 1, 2021 there was a newly implemented independent dispute resolutions process.
- Ms. Bowden provided a TDI Regulatory update and an overview of Non-Quantitative Treatment Limitations (NQTL) and Quantitative Treatment Limitations (OTL) analysis tools.
- TDI has scheduled a new rule hearing meeting in early April via Zoom.
 - Four divisions of the proposed new rule – (1) aligns closely with Federal Parity rules, (2) Data Collection requirement, (3) Parity analysis requirement, (4) incorporates autism rules.
 - Mr. Hansch encouraged members to attend the TDI rule hearing meeting and to submit public comments.
 - Mr. Weiss made a comment that he noticed that insurance providers pushed back on the TDI proposed new rule.
 - Ms. Bowden mentioned that TDI encourages insurers to use their own NQTL (6 steps) and QTL (4 steps) analysis templates.
 - Ms. Bowden also mentioned that TDI templates are not required to be used just as long as insurers collect detailed data and use similar methodology.
- Mr. Mark Webb gave a presentation on the TDI Independent Dispute Resolution (IDR) Process, which included an overview of the mediation and arbitration processes. The presentation also included additional information on what is eligible and an overview of the IDR system timelines.

Agenda Item 4: Presentation: Center of Health Care Data Research – UT Health at Houston School of Public Health

Mr. Hansch, Chair, introduced Dr. Trudy Krause, MD with the Center for Health Care Data Research - UT Health of Houston School of Public Health. Dr. Krause provided members with a presentation on healthcare data research and referenced a Power Point entitled "Center for Health Care Data Research: UT Health of Houston School of Public Health".

Highlights of the presentation and workgroup member discussion included:

- The Center for Health Care Data is the largest research-accessible healthcare data collection in TX.
- UT Health SPH Data Center has attained certification as a CMS Qualified Entity (QE).
- Texas claims data comes from Medicaid, Medicare, Commercial and Veterans Administration/Tricare representation.
- The Center is currently analyzing healthcare data received from five state agencies - HHSC, TRS, ERS, TDCJ, DSHS to identify outcome measures and benchmarks for improvements in quality and efficiency that can be implemented in healthcare systems.
- The Center has been asked to address the development of an all payer claims database (APCD) in Texas. An APCD is an organization that sets up a collection of all healthcare claims data in the state for reporting, assistance in policy making, and research purposes.
- The Center has amassed a collection of data sets that are useful in the assessment of social determinants of health: those elements in the physical and social environment,

including lifestyle and behaviors, that may impact health conditions and health behaviors.

- Mr. Weiss asks a question about mental health claims.
 - Dr. Krause answered that the Center for Health Care Data does collect mental health and substance use disorder data.
- Ms. Sherri Layton asked for further clarification on commercial insurance claim data from the pie chart (slide #6) and APCD information (slide #10) of the presentation.
 - Dr. Krause answered by stating that the commercial data in the pie chart covers everything, but Medicaid and Medicare representation. Dr. Krause also provided information on how Parity workgroup members can enhance legislative efforts to support the development of the APCD at the Center.
- Dr. Krause announced to the members to look out for a new report about mental health conditions coming out in the following month. She also announced that there are current studies on mental health with other departments at the University of Texas. Some of these studies involve suicide and self-harm, COVID-19, Alzheimers, and schizophrenia.
- Dr. Krause shared that H.B. 1907 and Senate Bill 1135 are bills about payor claims and claims database being hosted at the University of Texas, School of Public Health.

MEMBER BREAK

After a member break, Mr. Hansch, Chair reconvened the meeting at 12:15p.m. Ms. Cates-Brown conducted member roll call and announced the presence of quorum.

Agenda Item 5: Mental Health Condition and Substance Use Disorder Parity Workgroup Statewide Strategic Plan

Mr. Hansch, Chair, opened the discussion regarding the MHCSUD Statewide Strategic Plan and provided members with high level planning objectives and a timeline for completion and submission of the report.

- a. Subcommittee 1: Compliance, Enforcement, and Oversight:** Dr. Diane Felder, M.D., Subcommittee Chair, provided the update.
 - Dr. Diane Felder mentioned there are recommendations on network adequacy within the section for Subcommittee 1 within the Strategic Plan. The next phase of the subcommittee would be to focus on wrapping discussions for another meeting in the ending of April. The subcommittee will continue to make suggestions and look clearly at the recommendation.
- b. Subcommittee 2: Complaints, Concerns, and Investigations:** Ms. Nichol Porter provided the update on behalf of Ms. Alba Villegas, Subcommittee Chair.
 - Ms. Nichol Porter's update about Subcommittee 2 mentioned that the members consolidated comments for recommendations related to the compliant portal.
 - Mr. Ted Weiss mentioned a comment about the need to provide clarity (include a disclaimer) on denial letters.

- Members Joe Bedford and Sherri Layton provided comments over this topic by providing more insight.
- Mr. Greg Hansch recommended to reword certain strategies and recommendations.

c. Subcommittee 3: Education and Awareness: Ms. Naomi Alvarez, Subcommittee Chair, provided the update.

- Ms. Naomi Alvarez mentioned that the Subcommittee is working on the recommendations that relate to healthcare licensing boards.

Agenda Item 6: Public comment

No public comment was offered.

Agenda Item 7: Planning for next meeting

- Mr. Hansch, Chair, stated that the next MHCSUD Parity Workgroup meeting is scheduled for May 20, 2021.
- Mr. Hansch requested members provide recommendations for future meeting agenda topics and presentations.
- Mr. Weiss shared that he recently participated in the Kennedy Forum State Parity Forum and inquired if parity discrimination as it relates to disability insurance policies is within the scope of the workgroup charge.
- Mr. Weiss inquired if telehealth services related to parity has been included in the MHCSUD Strategic Plan. Ms. Layton responded that a recommendation brought forth by SC 1 addresses the need for adequate network accessibility.
- Chair Hansch and several members expressed interest in continuing Parity work after the workgroup is set to expire in September 2021 , either formal or informal.
- Ms. Layton suggested a recommendation to have a parity workgroup member be appointed to serve on BHAC to represent parity issues and continue oversight.

Agenda Item 8: Action Items

- Based on the Independent Dispute Resolution presentation, members agreed to make stronger recommendations in the MHCSUD Strategic Plan regarding mediation and arbitration.
- Program staff will order Ombudsman Parity brochures and posters referenced in the Office of the Ombudsman update.
- Rework Ombudsman brochures into a format that can be included in the MHCSUD Strategic Plan and include category headers for Ombudsman resources to provide helpful information to share with stakeholders.
- Further develop list of acronyms in the MHCSUD Strategic Plan.
- Rework the language in the Ombudsman section of the MHCSUD Strategic Plan to fit the Parity Workgroup member format. Currently, the language is written in the format the Ombudsman offices uses.

- May to June timeline will focus on resolving pending comments and issues in the MHCSUD Strategic Plan.
- Revise strategy discuss in subcommittee 2 (Item 2.1.3 – Complaint Section in MHCSUD Strategic Plan).
- By the next MHCSUD meeting, members should have drafted a close to final version of the MHCSUD Strategic Plan for all members to review at the May 20th meeting.
- Program area to determine if Parity discrimination as it relates to disability insurance policies is within the scope of the legal charge from HB10.

Agenda Item 9: Closing remarks

Mr. Hansch, Chair, provided closing remarks and adjourned the meeting at 1:24 p.m.

Below is the link to the archived video of the March 16, 2021 Mental Health Condition and Substance Use Disorder Parity Workgroup that will be available for viewing approximately two years from date of meeting.

[Mental Health Condition Substance Use Disorder Parity WG Meeting](#)