

**Senate Bill 93 Health Insurance – Utilization Review – Private Review Agents**

Finance Committee

February 21, 2024

**Position: SUPPORT**

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of Senate Bill 93.

SB 93 modifies mental health utilization review criteria and processes to improve access to critical mental health care. The bill specifies that private review agents (PRAs) must use mental health care criteria developed by a non-profit professional mental health provider association, such as the American Association of Community Psychiatrists, the American Academy of Child and Adolescent Psychiatry, and the American Psychiatric Association. It also requires PRAs to explain to the patient's treating provider why the relevant criteria for the prescribed care are not met in the individual patient's case before denying care and requires PRAs to make all decisions consistent with the required criteria for chronic care treatment and not limit treatment to services for acute care only.

Too often, private health plans rely on medical necessity criteria that are not consistent with evidence-based care for mental health conditions. According to a [recent national patient-experience survey](#) conducted by NORC, nearly 70% of Marylanders reported that they had problems with their health insurance plan denying coverage for mental health or substance use disorder care based on either the care not being medically necessary or the care being not covered or excluded. SB 93 would bring Maryland in line with other states that have required private health plans to follow generally accepted standards of care for mental health utilization review, including Illinois, California, Georgia, Oregon and New Mexico.

Further, by requiring PRAs to explain their application of the required criteria to the health care provider before issuing a denial, SB 93 will eliminate inappropriate denials and help Marylanders get more timely treatment. Currently, less than one-half of one percent of adverse mental health and substance use disorder decisions are challenged. Appealing denials takes significant time and support particularly for individuals struggling with a mental health condition or substance use disorder.

Lastly, by requiring PRAs to make decisions consistent with criteria for chronic care treatment, SB 93 will ensure Marylanders have access to ongoing treatment to address the underlying causes of acute mental health crises, not just the crisis itself.

For these reasons, MHAMD supports SB 93 and urges a favorable report.

*For more information, please contact Dan Martin at (410) 978-8865*