

**Lunch and Learn:  
Access to Behavioral Health  
Services for Commercial Enrollees –  
Learn about the Department of  
Managed Health Care's Oversight of  
Commercial Health Plans**

**Department of Managed Health Care**

March 6, 2024

# Virtual Meeting Guidelines

**Thank you for joining us today for this informational Lunch & Learn!**

- This meeting is being recorded and will be available for viewing post-meeting
- American Sign Language interpretation is provided in pinned video
- Live captioning is provided – Select show/hide
- Participation: Following the presentations, as time permits, please use the Q&A section or the hand raise to get into queue to ask questions or share your thoughts

# Agenda

- **Welcome and Overview – 5 mins**
- **Presentation: Access to Behavioral Health Services for Commercial Enrollees – Department of Managed Health Care – 45 mins**
  - **Mary Watanabe**, Director
  - **Dan Southard**, Chief Deputy Director
  - **Amanda Levy**, Deputy Director for Health Policy and Stakeholder Relations
- **Q&A – 8 mins**
- **Closing & Adjourn**

# Welcome & Overview

**Stephanie Welch**, MSW. Deputy Secretary of Behavioral Health, CalHHS

# **Access to Behavioral Health Services for Commercial Enrollees – Department of Managed Health Care**

**Mary Watanabe**, Director

**Dan Southard**, Chief Deputy Director

**Amanda Levy**, Deputy Director for Health Policy and  
Stakeholder Relations

# *Access to Behavioral Health Services for Commercial Enrollees: Department of Managed Health Care's Oversight of Commercial Health Plans*

**March 6, 2024**

**Mary Watanabe, Director**

**Dan Southard, Chief Deputy Director**

**Amanda Levy, Deputy Director for Health Policy  
and Stakeholder Relations**

# DMHC Mission Statement

The California Department of Managed Health Care protects consumers' health care rights and ensures a stable health care delivery system.

# Agenda

- Introduction to the DMHC
- DMHC Oversight of Behavioral Health
- Behavioral Health Legislation Implementation and Initiatives
- DMHC Help Center

# Our Accomplishments



**2.8 MILLION**  
**CONSUMERS ASSISTED**

The DMHC Help Center educates consumers about their rights, resolves consumer complaints, helps consumers navigate and understand their coverage, and ensures access to health care services.



**\$126.1 MILLION**

dollars assessed against health plans that violated the law

**143**  
**LICENSED**  
**HEALTH PLANS**



**97** FULL SERVICE



**46** SPECIALIZED



**\$296.1 MILLION**

dollars saved on Health Plan Premiums through the Rate Review Program since 2011

**29.7 MILLION**  
**CALIFORNIANS' HEALTH CARE RIGHTS**  
**ARE PROTECTED BY THE DMHC**



**96%**

of state-regulated commercial and public health plan enrollment is regulated by the DMHC

Approximately

**68%**

of consumer appeals (IMRs) to the DMHC resulted in the consumer receiving the requested service or treatment from their health plan



**\$43.8**  
**MILLION**

dollars recovered from health plans on behalf of consumers



**\$194.3**  
**MILLION**

dollars in payments recovered to physicians and hospitals

December 31, 2022

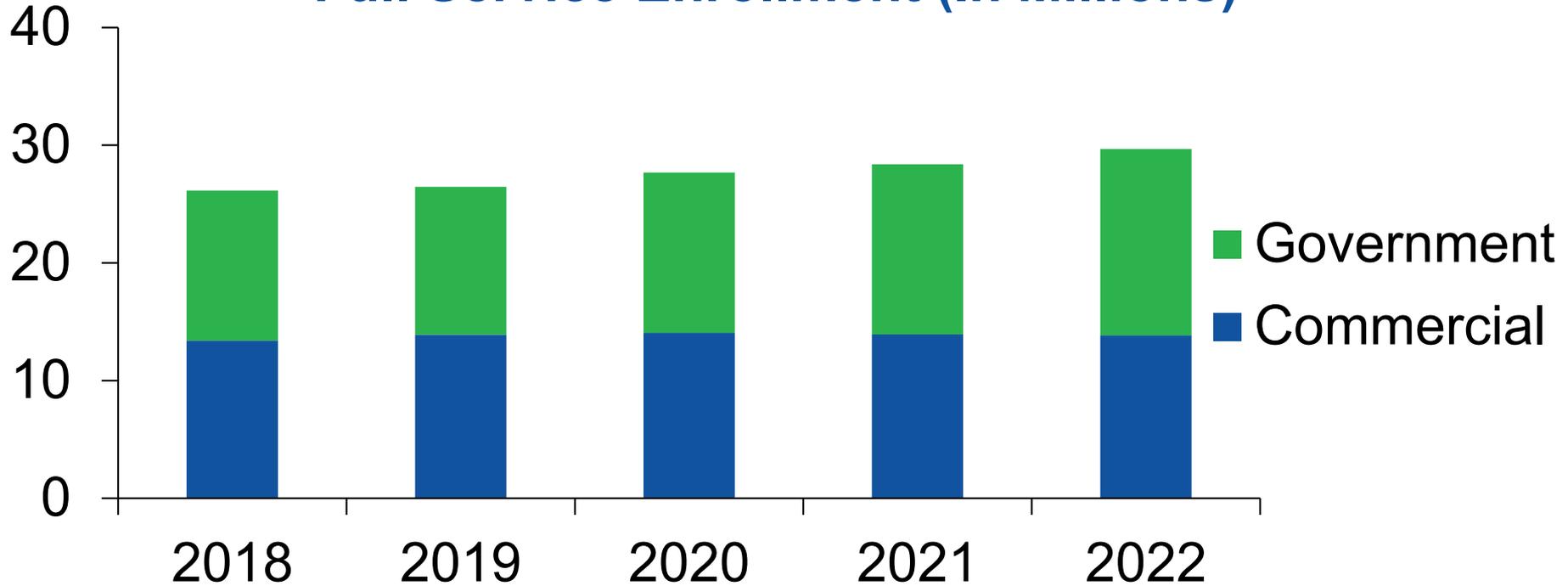
# What is the DMHC?

## Regulator of full service and specialized health plans

- All HMO and some PPO/EPO products
- Some large group and most small group & individual products
- Most Medi-Cal Managed Care plans
- Dental, vision, behavioral health, chiropractic and prescription drug plans
- Medicare Advantage (for financial solvency only)

# DMHC Enrollment Over Time

Full Service Enrollment (In Millions)



# How Does the DMHC Regulate Plans?

- License plans and approve products
- Analyze provider networks
- Ensure basic health care services and mandated benefits are provided
- Monitor financial solvency
- Evaluate plan policies and procedures
- Resolve grievances and appeals
- Track enrollee complaints
- Enforce the law

# DMHC Oversight of Behavioral Health

- Mental Health Parity Addiction and Equity Act (MHPAEA) Compliance
- Plan Licensure
- Network Reviews
- Medical Surveys
- Non-Routine Surveys
- Enforcement Actions

# Timely and Geographic Access

Urgent Care	
prior authorization <b>not required</b> by health plan  <b>2</b> days	prior authorization <b>required</b> by health plan  <b>4</b> days
Non-Urgent Care	
Doctor Appointment	
<b>PRIMARY CARE PHYSICIAN</b>  <b>10</b> business days	<b>SPECIALTY CARE PHYSICIAN</b>  <b>15</b> business days
<b>Mental Health Appointment</b> (non-physician)  <b>10</b> business days	<b>Appointment</b> (ancillary provider <sup>2</sup> )  <b>15</b> business days
Follow-Up Care	
<b>Mental Health / Substance Use Disorder Follow-Up Appointment</b> (non-physician)  <b>10</b> business days from prior appointment (effective July 1, 2022)	

# Behavioral Health Legislation Implementation and Initiatives

- SB 855, Mental Health/Substance Use Disorder Coverage Requirements
- AB 988, Mental Health: 988 Crisis Hotline
- CARE Act
- Children and Youth Behavioral Health Initiative (CYBHI)
- Behavioral Health Investigations
- NQTL Compliance Project
- Parity Between Commercial and Medi-Cal Coverage

# SB 855 (Wiener): MH/SUD

- Plans must provide coverage for all medically necessary treatment of mental health and substance use disorders.
- Defines "medically necessary treatment of a mental health or substance use disorder."
- Plans must arrange for out-of-network MH/SUD care when in-network care is unavailable.
- Utilization review - plans must apply the criteria and guidelines from the most recent version of treatment criteria developed by the applicable nonprofit professional association.

# SB 855 (Wiener): MH/SUD

- Initial Guidance: [APL 21-002](#) and [APL 22-030](#)
- Formal Rulemaking:
  - Initiated in December 2022
  - Approved by Office of Administrative Law in January 2024
  - Effective on April 1, 2024
- Ongoing Compliance/Oversight

# AB 988 (Bauer-Kahan): Mental Health Crisis Hotline

- Requires the California Health and Human Services Agency to create a five-year implementation plan for the 988 system, including funding strategies.
- Health plans and insurers must reimburse 988 centers and mobile crisis units for the medically necessary treatment of a mental health or substance use disorder they provide to a plan enrollee.
- DMHC Guidance: [APL-22-031](#) and [APL 23-025](#)

# SB 1338 (Umberg): CARE

- Creates a court-ordered Community Assistance, Recovery, and Empowerment (CARE) plan for adults living with untreated schizophrenia spectrum and psychotic disorders and are in need of support and services.
- Health plans will be required to cover medically necessary services for enrollees pursuant to the CARE plan.
- DMHC Guidance: [APL 23-016](#)

# Children and Youth Behavioral Health Initiative

- Commercial and Medi-Cal plans are required to reimburse for certain behavioral health services in the Department of Health Care Services (DHCS) published Multi-Payer Fee Schedule.
- These services are available to individuals 25 years of age or younger provided or arranged by local educational agencies and public institutions of higher education.

# Children and Youth Behavioral Health Initiative

- These services will be provided without utilization management and will not be subject to copayment, coinsurance, deductible, or any other form of cost sharing.
- DMHC issued guidance via an [APL 23-026](#) in December 2023, addressing commercial plan coverage of school-linked Behavioral Health services.
- Phased Implementation beginning in January 2024.

# Behavioral Health Investigations

- Focused investigations of full-service commercial health plans regulated by the DMHC.
- Assess enrollees' consistent access to medically necessary behavioral health care services.
- Identify challenges and barriers enrollees face in obtaining behavioral health care services.
- Identify systemic changes that can be made to improve the delivery of care.

# Behavioral Health Investigations

- Phase One Plans
  - Summary Reports, Individual Plan Reports and Corrective Action Plans released/posted on DMHC website in October 2023
  - DMHC found 21 separate Knox-Keene Act violations and six separate barriers across five health plans
- Phase Two Plans
  - Reports will be released in 2024
- Phase Three Plans
  - Plans have been noticed and outreach has begun

# NQTL Compliance Project

- In 2023, DMHC initiated a review of the MHPAEA non-quantitative treatment limitations (NQTL) comparative analysis following new federal requirements from the Consolidated Appropriations Act of 2021.
- The Department began with the five largest health plans and has received the initial plan filings.
- All guidance documents, including templates and instructions to the health plans, are available on our website.

# Parity Between Commercial and Medi-Cal Coverage

- The Governor's Behavioral Health Modernization Project included a provision to achieve parity in behavioral health services for commercial and Medi-Cal enrollees.
- DMHC and DHCS have been meeting to create crosswalks between current coverage.
- Stakeholder discussions to follow.

# Help Center

Assists consumers with health care issues and ensures that managed care patients receive the medical care and services to which they are entitled.

- Contact Center
- Division of Legal Affairs and Policy
- Independent Medical Review/Complaint Branch
- Provider Complaint Section

## HELP CENTER

**128,405** CONSUMERS ASSISTED<sup>4</sup>

**111,205** TELEPHONE INQUIRIES

**12,266** CONSUMER COMPLAINTS<sup>5</sup>

**3,240** IMRs CLOSED<sup>6</sup>

**\$5.4 M** RECOVERED FOR CONSUMERS

**1,694** NON-JURISDICTIONAL REFERRALS

**6,240** PROVIDER COMPLAINTS

**\$12.5 M** RECOVERED PROVIDER PAYMENTS

**20** NON-EMERGENCY SERVICES IDRPs COMPLETED

# Independent Medical Reviews (IMRs)

## Assistance is Fast, Free & Confidential

Approximately 68% of consumer appeals (IMRs) to the DMHC resulted in the consumer receiving the requested service or treatment from their health plan

Call: 1-888-466-2219 | Visit: [HealthHelp.ca.gov](https://HealthHelp.ca.gov)



# DMHC Help Center

1-888-466-2219

[Healthhelp.ca.gov](https://healthhelp.ca.gov)

# Questions

# Q&A Time

# Next Steps & Closing

**Stephanie Welch**, MSW. Deputy Secretary of Behavioral Health, CalHHS

# Next Steps

- April 10<sup>th</sup> Hybrid Behavioral Health Task Force Quarterly Meeting, in Sacramento: 10 a.m.-3 p.m.
- Email [BehavioralHealthTaskForce@chhs.ca.gov](mailto:BehavioralHealthTaskForce@chhs.ca.gov) to sign up for the BHTF listserv and send any questions/comments

# Thank you for joining us today!

For information about the Behavioral Health Task Force, please visit the [CalHHS website](#).