



633 Third Avenue
New York, NY 10017
PH 212.254.8900
FAX 212.260.6218
www.cssny.org

David R. Jones
President & Chief Executive Officer

Steven L. Krause
Executive Vice President &
Chief Operating Officer

**New York State Senate Joint Task Force on Opioids, Addiction and Overdose Prevention
Hudson Valley Hearing
October 3, 2019**

**Testimony of the Community Service Society of New York
By Karla Lopez**

Good afternoon, and thank you for the opportunity to testify before the Joint Task Force. My name is Karla Lopez, and I am the Supervising Attorney of the Community Health Access to Addiction and Mental Healthcare Project (CHAMP), at the Community Service Society of New York (CSS). I am also a person who has been directly, and deeply, impacted by a family member's substance use disorder.

In March 2018, Section 33.27 of the New York State Mental Hygiene Law was enacted to establish the independent statewide ombudsman program, also known as the Community Health Access to Addiction & Mental Healthcare Project. CHAMP is designed to help consumers and providers with health insurance coverage for substance use disorder and mental health services and is overseen by the New York Office of Alcoholism and Substance Abuse Services (OASAS), in consultation with the New York Office of Mental Health (OMH).

OASAS contracts with the Community Service Society (CSS) to administer CHAMP and provide services to clients through a live-answer helpline and a network of non-profit organizations. CSS operates CHAMP in partnership with Legal Action Center, the New York State Council for Community Behavioral Healthcare, and Medicare Rights Center. Five community-based organizations also provide CHAMP services around New York State. I am testifying today on behalf of the Community Service Society, not on behalf of OASAS, OMH or our other CHAMP partners.

For 175 years, CSS has been an unwavering voice for low- and moderate-income New Yorkers. Our health programs help New Yorkers enroll into health insurance coverage, find healthcare if they are ineligible or cannot afford coverage, and help them use their coverage or otherwise access the healthcare system. These services are provided free of charge to all New Yorkers. We do this through a live-answer helpline and through our partnerships with over 50 community-

based organizations throughout New York State. Annually, CSS and its partners serve over 100,000 New Yorkers, saving them millions of dollars in health care costs annually.

For more than a decade, both New York State and federal lawmakers have recognized that discrimination by health insurers has made accessing mental health and substance use disorder care far more difficult than accessing other types of health care. In 2006, New York became a national leader in addressing this problem when it passed Timothy's Law, requiring many New York health insurers to cover mental health care and to cover it comparably with other health benefits. In 2008, the federal government followed New York's lead and passed the Mental Health Parity and Addiction Equity Act, which, in combination with the Affordable Care Act of 2010, required most health insurance plans to cover substance use disorder and mental health care the same way they cover other types of health care. In the face of ongoing insurance barriers to accessing substance use disorder care, New York State passed additional legislation in 2014, 2016, 2018, and 2019.

Yet the data show that successfully using insurance coverage to access substance use disorder and mental health care remains unduly challenging. A 2015 study by Milliman showed that New Yorkers must go out-of-network for substance use disorder and mental health care more often than for other types of health care, and that mental health and substance use disorder treatment providers are paid less than other health care providers for the exact same procedure codes. Between 2013 and 2015, these disparities got worse despite laws in place to address them.¹ Similarly, investigations by the New York Attorney General found widespread violations of state and federal parity laws by New York health plans between 2014 and 2016, settling cases against six plans during that time.²

CHAMP Helps Address these Disparities

CHAMP's mission is to fight these disparities and help New Yorkers get insurance coverage for the substance use disorder and mental health care they need—and have the right to receive.

Since the CHAMP helpline opened on October 1, 2018, CSS and its partner organizations have handled 1,186 cases on behalf of consumers and providers needing help with health insurance for substance use disorder and mental health care. To date, CHAMP has served clients in 50 of New

¹ Milliman, "Addiction and Mental Health vs. Physical Health: Analyzing Disparities in Network Use and Provider Reimbursement Rates" (Dec. 2017), available at <https://www.milliman.com/uploadedFiles/insight/2017/NQTLDisparityAnalysis.pdf>.

² See *In the Matter of HealthNow New York, Inc.*, Assurance No. 16-105 (Aug. 2016); *In the Matter of Excellus Health Plan, Inc.*, Assurance No. 14-201 (Mar. 2015); *In the Matter of ValueOptions, Inc.*, Assurance No. 14-176 (Mar. 2015); *In the Matter of EmblemHealth, Inc.*, Assurance No. 14-031 (Aug. 2014); *In the Matter of MVP Health Care, Inc.*, Assurance No. 14-006 (Mar. 2014); *In the Matter of Connecticut General Life Insurance Company Cigna Health and Life Insurance Company*, Assurance No. 13-474 (Jan. 2014).

Community

Service Society

Fighting Poverty
Strengthening
New York

York's 62 counties: 41% of CHAMP clients are from New York City, 7% are from Long Island, and 52% are from the rest of the state, which is fairly consistent with the overall population distribution of the state.

The opioid epidemic cuts across demographics, and CHAMP's clients reflect this diversity, representing a wide variety of incomes, ages, and races: 68% of CHAMP's clients earn less than \$15,000 per year and 26% earn between \$15,000 and \$60,000; 21% of CHAMP's clients are non-white; 11% of CHAMP clients are under the age of 18, 7% are over the age of 65, and the remaining 82% represent all the age groups in between.

CHAMP clients have all types of health insurance: 19% of CHAMP clients have commercial insurance, 33% have Medicaid, 19% have Medicare, and 20% are uninsured. The highest proportion of uninsured CHAMP clients live outside of New York City.

CHAMP serves clients seeking or receiving mental health and substance use disorder care in a wide variety of settings, including inpatient, outpatient, intensive outpatient, residential, Opioid Treatment Programs, emergency departments, peer support services, and more.

The most common reason people contact CHAMP is because they need help accessing treatment. For example, CHAMP is often contacted by clients who need substance use disorder treatment but cannot find an in-network provider who is accepting new patients.

The most common barrier faced by CHAMP clients is insurer denials. For example, CHAMP has helped a number of clients whose plans denied coverage for residential treatment of a substance use disorder on the basis that it was not medically necessary.

Many CHAMP clients are "underinsured" and struggle to afford the cost of mental health and substance use disorder care even with insurance. For example, a CHAMP client's health plan required her to meet a \$1,000 deductible before the plan would start covering the cost of her life-saving Suboxone.

CHAMP provides a wide range of services to our clients, from information and informal advocacy to filing appeals and regulatory complaints. In 89% of the cases where CHAMP knows the final resolution of the case, CHAMP was able to get clients the result they were looking for.

To date, CHAMP organizations have reached over 10,000 stakeholders through outreach and education.

CSS hopes to grow the CHAMP program in order to help even more New Yorkers use health insurance for substance use disorder and mental health care. CHAMP's community-based organizations currently serve 23 counties; our goal is for all of New York's 62 counties to be



touched by a CHAMP community-based organization. In order to ensure that New Yorkers struggling with insurance find CHAMP, we hope to build a website and increase our outreach. Finally, CSS aims to extend the hours of the CHAMP helpline, making it easier for people to get help when they need it.

With record numbers of New Yorkers suffering and dying from substance use disorders, treatment must be at least as accessible for substance use and mental health conditions as it is for any other health condition. I would like to thank the legislature, the Governor, OASAS and OMH for their support of CHAMP, and continued efforts to address the overdose epidemic.