



*Mental Health Minnesota is the voice of lived mental health experience.*

*We carry that declaration forward as we work to advance mental health and well-being for all, increase access to mental health treatment and services, and provide education, resources and support across Minnesota.*

March 11, 2022

Dear Members of the Senate Commerce and Consumer Protection Finance and Policy Committee:

Mental Health Minnesota would like to take this opportunity to express concerns regarding SF3287, which could impact the way the Department of Commerce completes market conduct examinations.

We are concerned that the proposed changes could negatively impact Minnesota's ability to enforce the federal Mental Health Parity and Addiction Equity Act of 2008, which has also been adopted into state law.

When parity for mental health and substance use disorder care was passed at both the federal and state levels, it was hoped that disparities would end, and that an inability to have health insurance cover necessary care would be a thing of the past. Unfortunately, that is still not the case, as many Minnesotans still struggle to have mental health care covered by their insurance.

It is often left to individual people to fight to enforce parity, with the burden placed on individuals and families to contest denials of coverage or file complaints with the Department of Commerce. Certainly, that is the last thing on a person's mind when they or someone they love are experiencing a mental health crisis.

Market conduct exams and assessments of network adequacy are essential tools as we work to ensure parity for mental health and substance use disorder. These exams are critical to uncovering parity issues, and are a needed piece of the puzzle as we work to uncover remaining areas where mental health and substance use care are simply not treated on par with physical illnesses. There are examples in other state where market conduct exams have been utilized to both uncover issues relating to parity and lead to requirements to cover the care needed.

This is a critical time for mental health in Minnesota and across the country, as more people are seeking care, treatment, services and support than ever before. It is essential that they are able to access the care they need and that it be covered just as physical illnesses are covered by insurance companies. Market conduct exams are an essential component of ensuring that coverage and access, and the ability of the Commerce Department to continue this important work must be preserved.

Thank you for the opportunity to share our concerns.

Sincerely,

Shannah C. Mulvihill, MA, CFRE  
Executive Director