

**Minutes**  
**Meeting Agenda**  
**Public Act 099-0480**  
**Working Group Regarding Treatment and Coverage of Substance Use Disorders and**  
**Mental Illness**

**Date**  
**Wednesday, May 19, 2021**  
**1:30 p.m. to 3:00 p.m. CST**

**Locations**  
**WebEx**

**Call-in information**  
**312-535-8110**

**I. Welcome**

Erica Weyhenmeyer welcomed staff, members, and guests to the virtual Working Group Regarding Treatment and Coverage of Substance Use Disorders and Metal Health Working Group.

**II. Introductions**

**HFS Staff Present**

Robert Mendonsa  
Kristine Herman  
Eric Foster

**DHS Staff Present**

No one Present

**DPH Staff Present**

No one Present

**DOI Staff Present**

Erica Weyhenmeyer  
Sara Stanberry  
Ryan Gillespie  
Patrice Dziire  
Brian Gorman  
Laura Pellikan

**Members Present**

Jud Deloss – Illinois Association for Behavioral Health

Cheryl Potts– The Kennedy Forum

Renee Popovits/Popovits Law Group, P.C.

Kelly Epperson/Rosecrance Health Network

Kevin Smith/Health Alliance

**Guests:**

Lisa Warner/Parent of Teenager with Substance Abuse/Mental Health Issues

**Minutes**

- Weyhenmeyer asked members to review the minutes from the past meeting in attached to the agenda for any edits or revisions and for adoption.
- Renee Popovits motioned to accept the minutes.
- Cheryl Potts volunteered to second the motion.
- No edits or revisions were suggested.
- The minutes were accepted.

**III. Agency Reports**

- Weyhenmeyer expressed that DOI is thankful to HFS and David Applegate with The Kennedy Forum for providing the agencies with requests and suggestions for the agencies to report out on. As we have in the past and to ensure timely delivery of all topics, each agenda report out on suggestions and at the end of each agency report, the agencies will have a short question and answer period.
- There were no objections.

**DOI**

- DOI placed on the agenda the items/suggestions David Applegate from the Kennedy Forum provided. Weyhenmeyer gave a brief overview of the process for a market conduct exam. Market regulation as noted in the NEIC market regulation handbook is an essential component of insurance regulation as an appropriate oversight of how insurance companies' market and distribute insurance products in the market. Market regulation attempts to ensure consumers are charged fair and reasonable insurance prices. It also strives to ensure consumers have access to beneficial and compliant insurance products and are protected against insurers that fail to operate legally or treat consumers unfairly. In market regulation, consumer complaints are a significant tool to identify areas of concern, which can trigger a market conduct examination. As providers, this can be a huge helpful tool to that as well. Our market conduct examinations are audits of

insurance companies with regards to market regulation, including examining the non-financial business practices, performance, calculations of any company, writing insurance business in our state. We review all books, records, documents and any or all papers relating to business performance, operations and any affairs of the company. The scope of any exam can include, but are not limited to, the operations and management, completes handling marketing and sales, proves your licensing, underwriting rating, claims, handling policy holders' services and beyond. We can also expand the scope to include more specific areas, such as mental health parity, utilization, management review, pharmacy, etc. while the additional areas of examination will differ depending upon the regulator, the rule of thumb is if the consumer interacts with it, we have the ability to review it. That is a brief overview of our exams and, as you know, via the statutory requirements, we continue to do that work.

- DOI then reported an update on the Opioid Benchmark Project which stated the Department secured a federal grant in the past and DOI intended to use that grant in order to do some analysis on the five opioid related changes to the EHP benchmark planning that went into effect in Illinois on January 1, 2020. DOI has gone through the procurement process and were able to identify the winning vendor and the work was able to commence on April 2021. As of May 13, 2021, the data calls went out to the issuers which DOI were seeking information. The hopes are to get a general sense of what kind of impact, if at all, those changes to the benchmark plan had out in the marketplace. There's a tight deadline on the overall grant so DOI is working diligently to get everything collected so that information and claims data can be reviewed and analyzed to get a sense of the impact of those changes and see if there's any changes in or shifts in utilization. DOI hopes to gather that information and put together report to share in the future once that work has been completed. DOI is just getting started with that task but things will be moving quickly.
- DOI then gave an update with the Parity Advancement Fund and DOI's efforts towards education and outreach. Since the group last convened, the Department received a letter from some the members who were on the call in September. In following-up with a conversation that David Applegate that DOI's teams and on some ideas DOI might be able to use the regarding the funds for and since that convening, DOI has had internal and external conversations and decided to form an internal working group to develop a marketing outreach as well as a provider education spending plan. In event if the funds are appropriated for our use. Right now, DOI is in a situation where once we do get the funds appropriated through the budget process, this group will reconvene and work in partnership and in collaboration with

the members of this group and look at the best ways to approach consumer education and other initiatives that were outlined in that plan.

- Weyhenmeyer asked if there were any questions for DOI.
- Potts asked if DOI had more detail about what the timeline of the market examination and what the timeline might be for when the group will see additional examinations coming forward since the last batch was released last summer. DOI reported that having a batch like this is bit of an anomaly when it comes to market exams, they do take time. It is DOI's goal to continue doing this work and having a layering effect while working on a project so that DOI can continuously have a report out as it gets finished. It's confidential work so it's hard to give more details until it's finished.
- Popovits asked that previously, DOI stated that there are five areas that DOI is seeking data on for the opioid benchmark and asked what they were. DOI responded that there were five changes that DOI made to the EHP Benchmark Plan. There were requirements of the plans which had to be covered in those items. DOI sought approval from federal CMS to change DOI's EHP benchmark plan and in Illinois they were all related to efforts to curve the opioid epidemic in Illinois. DOI is going to provide Popovits a press release that will give the exact details on the five changes that were specifically made. Those went into effect on January 1, 2020. DOI is trying to evaluate the impact that those changes have.
- Popovits then asked if those surveys are sometimes driven by individual complaints. She gave the example that they are dealing with another State department of insurance and they filed 117 complaints and they are getting feedback from that State agency because they are dealing with a national insurer that there's many states that have jurisdiction, so they pulling each individual plan and they've discovered 6 of the 117 cases, Illinois has jurisdiction. They see widespread illegal activity going on, including parody violations. When getting a referral from another department of insurance, if DOI works together with those other departments of insurance, if it goes to the National Association of Insurance Commissioners to say that there is a problem going on in 20 other states. They're doing cost shifting and other areas. Popovits asked if that might snowball into something that could be an effective enforcement mechanism.
- DOI then offered to share some details about DOI's involvement on a national level. DOI can only look at Illinois files if DOI is examining an Illinois exam. They are heavily driven by complaints DOI receives. DOI also looks at the complaints that the actual company gets that's separate from what DOI receives. DOI examines both of those universes on an Illinois specific exam. The approach that DOI is taking when it comes to complaints, they are trend indicators and give DOI a good gauge on where to look where DOI might not

have before. DOI then explained those are very important in terms of where to look where DOI might not have prior. It's important in terms of where to look but DOI encourages the continuance of submission of complaints. On a national level, the NAIC does have a great collaborative opportunity with a group called the Market Actions Working Group, which Wayhenmeyer is a member of, where the group does bring issues like this to other regulators and discuss some of those issues the group does see. If someone is looking at a regulator, it's beneficial for them to encourage them to bring it to that group because the group is able to do multi-state reviews as well. It's a collaborative action and the group can work together so then every state can sign onto an exam, that's where the group can look at national information.

- Popovitz then asked that when the group looks at it, do they then apply the Illinois parity law when doing the analysis and if California is doing theirs, do they apply California's parity law. She then asked when they're doing the parity enforcement and they're looking at a multi-state market conduct, how do they look at those legal requirements. DOI then explained that with doing a multi-state exam, there lies some problems. DOI is unable to look at an Illinois specific item on a multi-state, even if they're the lead. They have to look at what everyone has across the board. There are positives and negatives to do a multi-state verses an individual's State exam.

#### **HFS**

- Regarding the parity work group, HFS has the Phase 1 reporting, which will be due July 1, 2021 reporting on NQTL. HFS needs to have an organization to help them review those reports and also do the subsequent audits. HFS is in the process of deciding how that is going to be done. The reports aren't due until July 1, 2021.
- Popovits then injected that there was a federal law that was passed on December 27th, as part of the Consolidated Appropriations Act that included some new requirements for compliance with the federal Mental Health Parody and Addiction Act and that statute requires health plans and issuers to conduct comparative analysis and document their compliance with existing rules governing NQTL's and they were supposed to have that done and available as of February 10<sup>th</sup>, not only for the United States Department of Labor to request it but states can do that as well. Popovits was happy that HFS is having the plan to submit that information by July 1, 2021. She then asked if either DOI and HFS have just started asking for this federal analysis that is now available as a result of that new law.
- DOI replied that HFS and DOI are both co-partnering that working group who is doing that work. Illinois started work towards the template for the NQTL comparative analysis submissions prior to the federal law going into effect. They're generally the same thing. We should get our first round of

information in July. The only difference is that this group chose to break it up into 3 phases than doing one large data dump.

- Potts then added that she wanted to, in addition to the meetings that are being facilitated by DOI & HFS, that the group has had some offline conversations with other members of the data parity work group. It was divided into 3 phases and that the 1<sup>st</sup> phase, which is more standardized, the expectation that they would see nationally from other states. In fact, they drew from New York and Pennsylvania and those agreed upon data elements that 1<sup>st</sup> phase is what's going to go in effect July 1<sup>st</sup>, and that they've been working on Phase 2 and Phase 3 which Phase 2 would be released in 2022, Phase 3 in 2023 and that's where we are at this time because of the new guidance. The conversations that we've had offline is that we're waiting to see what's going to come out of the federal DOL to help influence this so that we are all on the same page and are consistent. What was released in February does not directly derail the work we did that will still start July 1<sup>st</sup>. We're running in a couple different tracks here, just to make sure that we can accommodate that February legislation. Illinois Association for Behavioral Health was also part of that conversation. They are definitely keeping their finger on the pulse.
- DOI injected that the federal government is also working on guidance on it, but they haven't fully established what that's going to look like. DOI is fortunate that other working groups who have established some guidance for Illinois carriers.
- Potts added that it was great that the working group is a step ahead of the game because it was important that the data is meaningful. Hopefully DOL can learn from the working group.
- Weyhenmeyer asked members and guests if there were any other questions.
- Popovitz then requested if the members who are on the committee and the staff of different agencies get reminder emails of meetings. Weyhenmeyer said she would email the WebEx meeting invitation which would have the agenda attached as well as having it posted to the DOI website.

#### **IV. Adjourn**

The meeting adjourned at 2:01 p.m.