

Testimony of the Office of Protection and Advocacy for Persons with Disabilities
Before
The Public Health Committee

Submitted by: James D. McGaughey
Executive Director
March 16, 2009

Good morning and thank you for this opportunity to comment on **Raised Bill 1121, An Act Concerning Mental Health Parity and the Administration of the Charter Oak Health Plan**. Although a scheduling conflict prevents me from attending today's hearing, I am submitting these comments in support of this important measure.

As the title implies, this bill would require the Charter Oak Health Plan to be administered in accordance with existing State statutes that require commercial health insurance to assure parity in coverage for treatment of "mental and nervous conditions" with medical, surgical and other physical health treatment. It would also bring the Plan's mental health services under the ambit of the Behavioral Health Partnership, and clarify that internal and external appeal processes described in statutes governing health insurance are available to Charter Oak enrollees.

The Charter Oak Health Plan represents a laudable attempt to address the potentially ruinous effects of not being able to afford market-rate health insurance. However, advocates are concerned that certain limitations in benefits have the effect of, and are in fact intended to discourage enrollment by people with persistent and chronic conditions, including psychiatric disabilities. Group health insurance products sold in Connecticut could not contain those limitations. In fact, since the year 2000, commercial group policies are mandated to ensure parity between mental health benefits and medical and surgical coverage. However, as the Committee may be aware, the Insurance Department has offered an opinion to the effect that Charter Oak is a governmental benefit program, and, as such, not subject to the statutory rules that apply to commercial health insurance.

As a program of State Government, Charter Oak is properly subject to State statutes that prohibit discrimination in the allocation of State benefits on the basis of physical and mental disability (C.G.S. Sec 46a-76). The Equal Protection clause of the Connecticut Constitution also prohibits discrimination on the basis of physical and mental disability. Although responsible officials have been informed of the applicability of those legal requirements, Charter Oak's limitations are apparently still in effect. Passing this bill would address this problem, at least with respect to enrollees with psychiatric disabilities. I urge that you support it.

Thank you for your consideration of my comments. If Committee members have any questions, please feel free to contact me and I will try to answer them.