



MEMORANDUM IN OPPOSITION

FOR IMMEDIATE RELEASE: February 10, 2008

Re: S. 185(Morahan)/A.4572(Rivera) AN ACT to amend the mental hygiene law, in relation to the effectiveness of mental health parity; and to amend the insurance law, in relation to post traumatic stress disorder.

90 State Street • Suite 825
Albany, NY 12207-1717
518.462.2293
Fax: 518.462.2150
www.nyhpa.org

This legislation, S. 185/A.4572, would amend New York's mental health parity law ("Timothy's Law") to include posttraumatic stress disorder (PTSD) as a "biologically-based" illness. This expansion of the definition of biologically-based illnesses would represent a significant change in Timothy's Law and thus adds additional costs, which would be contrary to the compromise developed in the 2006 bill. Accordingly, the New York Health Plan Association (HPA) opposes S.185/A.4572.

For several years, HPA worked diligently with lawmakers and advocates in crafting the Timothy's Law legislation that was ultimately adopted. It is important to remember that this legislation was a carefully fashioned compromise that sought to broaden coverage of mental health services in a meaningful way while also recognizing the need to maintain affordability of this new coverage. Specifically, the Legislature made a decision to limit the scope of conditions covered by this legislation by not requiring coverage of every condition listed in the Diagnostic and Statistical Manual for Mental Disorders-IV (DSM-IV). Although PTSD was discussed and considered during negotiations on Timothy's Law, coverage of the condition was ultimately not included.

Timothy's Law, which became effective only in January of 2007, included a provision requiring the Department of Insurance and the Office of Mental Health to study the effectiveness of mental health parity including an analysis of costs and utilization trends. This study is to encompass two years of experience with the new law and is not scheduled to be issued until April 1, 2009. Expanding the scope of the law's coverage to include PTSD undermines the value of a meaningful analysis.

Finally, the sponsors of S.185/A.4572 are calling for the addition of PTSD as a covered condition under Timothy's Law in order to help servicemen and women returning from Iraq who may be diagnosed with the disorder. Members of the armed services can access health services through the Veterans Health Administration (VA), which has abundant highly trained professionals with extensive experience in treating PTSD. Moreover, coverage available under the VA benefits is likely to be more expansive than that under Timothy's Law.

For these stated reasons, HPA opposes S.185/A.4572 and urges a "no" vote on this legislation.

The New York Health Plan Association represents 25 managed care health plans that provide comprehensive health care services to nearly 7 million New Yorkers.