



MEMORANDUM IN OPPOSITION

FOR IMMEDIATE RELEASE: April 15, 2008

Re: S. 6818/A.10078 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.

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This legislation, S. 6818/A.10078, would amend New York’s mental health parity law (“Timothy’s Law”) to include post traumatic 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 by adding additional costs contrary to the compromise developed in the 2006 bill. Accordingly, the New York Health Plan Association (HPA) opposes S. 6818.

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, 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.

Moreover, the sponsors of S. 6818/A.10078 are calling for the addition of PTSD as a covered condition under Timothy’s Law in order to help responders to the tragic events of September 11, 2001 and servicemen and women returning from Iraq who may be diagnosed with the disorder. Those September 11 responders diagnosed with PTSD have had and continue to have access to treatment services made available and paid for through various federal, state and private relief funds as well as health insurance and workers’ compensation benefits. Similarly, members of the armed services can access health services through the Veteran’s Administration (VA), which has abundant highly trained professionals with extensive experience in treating PTSD. Furthermore, 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. 6818/A.10078 and urges a “no” vote on this legislation.