



Mental Health Parity Principles

Ensuring Quality Behavioral Health in Colorado

Every Coloradan deserves affordable, comprehensive coverage that provides them with convenient and safe access to care to effectively address physical, mental, and social well-being. To achieve this goal, health insurers are leading the way, pioneering innovative programs to improve the behavioral health of their members. These initiatives include raising patient awareness of the importance of behavioral health, providing resources that improve patients’ behavioral health literacy, expanding access to tele-behavioral health, and investing in models of integrated, multidisciplinary care teams. Health insurance providers are also working to reduce stigma and isolation, encourage collaborations with providers, expand provider networks, and proactively identify behavioral health needs for members.¹

Effective Policy Solutions

- Policymakers can improve access by implementing policies to expand the workforce of behavioral health clinicians. There is a well-documented shortage of behavioral health providers with almost **40%** of Coloradans living in an area without a sufficient number of psychiatrists.²
- Policymakers should support research for evidence-based behavioral health care.
- Policymakers should support federal action to ensure patients benefit from clear & consistent requirements such as:
 - Additional guidance, tools and templates to inform parity implementation
 - Improve the Department of Labor’s (DOL) & Health and Human Services (HHS) NQTL comparative analysis review process created by the Consolidated Appropriations Act.³

Implementation of Current Initiatives

Health insurance providers are complying with many recent policies that will impact the current system. Focusing on effective implementation of these policies and how **\$4.5 billion** in American Rescue Plan funding can be leveraged to improve the well-being of Coloradans remains essential. Some of these initiatives include:

- Mental Health Parity Insurance Medicaid ([HB19 – 1269](#))
- Treatment Opioid And Other Substance Use Disorders ([SB20 – 007](#))
- Insurance Coverage Mental Health Wellness Exam ([HB21 – 1068](#))
- Establish Behavioral Health Administration ([HB21 – 1097](#))
- Prevention Of Substance Use Disorders ([HB21 – 1276](#))
- Behavioral Health Administration ([HB22 – 1278](#))

1 5 FACTS ON BEHAVIORAL HEALTH IN COLORADO 5

1

Under federal health statutes, mental health parity refers to the “comparability” of coverage between physical and mental health benefits.⁴ Carriers cannot impose less favorable benefit limitations on behavioral health benefits than on medical/surgical benefits.

2

The Affordable Care Act (ACA) requires coverage of mental health services and substance use disorder services as part of essential health benefits.⁵

3

Health insurance providers are required to report annually to the Division of Insurance on mental health parity under regulation 4-2-64.⁶

4

The Division of Insurance has the authority to undertake a market conduct examination of any company as often as the commissioner, in the commissioner’s sole discretion, deems appropriate.⁷

5

The Colorado Division of Insurance has received, on average, 20 complaints annually related to behavioral health coverage in the commercial market.⁸ Commercial insurers cover almost 60% of all Coloradans or approximately 3.5 million Coloradans.

1. AHIP: Integrating Behavioral Health and Primary Care Better Care and Health for the Whole Person
 2. Kaiser Family Foundation: Mental Health Care Health Professional Shortage Areas (HPSAs)
 3. Health Insurance Issuers & MHPAEA Comparative Analysis Reviews
 4. Centers for Medicaid and Medicare: The Mental Health Parity and Addiction Equity Act (MHPAEA)
 5. Healthcare.gov: Mental Health & Substance Use Coverage

6. Amended Regulation 4-2-64 Concerning Mental Health Parity in Health Benefit Plans
 7. Colorado Revised Statutes Title 10. Insurance § 10-1-305. Market conduct examinations
 8. Colorado Division of Insurance: Mental Health Parity: Implementation and Enforcement by the Colorado Division of Insurance, 2022.