

MENTAL HEALTH

Regulating MHPAEA

ODI's Role in Regulating the Mental Health Parity and Addiction Equity Act (MHPAEA)

The Ohio Department of Insurance (ODI) is tasked with regulating and enforcing laws relating to the business of insurance. ODI oversees insurance policies, premium rates, company solvency and helps consumers that have questions or complaints. Related to mental health parity specifically, ODI reviews health insurance products to ensure that they are complying with MHPAEA and applicable state mental health law. ODI also helps consumers understand their mental health, substance use disorder and other benefits and helps consumers resolve complaints against insurance companies. Finally, ODI tracks trends in consumer complaints and other data to determine if further investigation of company practices is needed.

ODI has three main divisions that help to oversee and enforce MHPAEA and state mental health law:

- Product Regulation and Actuarial Services Division is the first division to see a proposed Insurance product and reviews it for compliance with MHPAEA, state mental health and other applicable laws. For all products, this consists of ODI staff reviewing the language in the insurance contract to understand the plan. Once the reviewer has read the submitted documents, the reviewer will formulate a list of "objections" for the company, who must then respond to the objections and resolve them to the satisfaction of the reviewer before ODI will approve the plan. For MHPAEA specifically, it is during this process that the reviewers will note and ask about provisions in the insurance contract, if any, that appear to violate the law and/or mislead or deceive the consumer.
- Consumer Services Division provides information to consumers and investigates complaints involving insurance companies. Annually, ODI saves consumers millions by reviewing different types of insurance complaints received from Ohioans related to cancellations, refunds, sales practices, misrepresentation, claim and benefit disputes and more. The Consumer Services Division has analysts that have experience in all areas of insurance and that review consumer complaints. If a consumer has a question about their mental health or substance use disorder benefits or is alleging a violation of MHPAEA, this is the division that would handle the inquiry or complaint. To speak to a consumer services representative, please call the ODI hotline at 1-800-686-1526.
- Market Conduct Division monitors insurers' compliance with Ohio insurance laws and regulations by examining insurance companies' business practices, such as underwriting, marketing and claims handling. The division looks at information from a variety of sources, including consumer complaints, company filings and the National Association of Insurance Commissioners (NAIC) to establish trends that might require further review. The Consumer Services division may refer a pattern of complaints from consumers on a particular industry segment or company to the Market Conduct division. Additionally, if the Consumer Services division is unable to resolve a complaint, the Market Conduct division may be utilized to resolve the issue directly with the insurer. ODI – through Market Conduct – can request additional reporting, can require companies to take corrective action, and can issue fines or penalties.