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## **Summary of Review and Approval of Clinical Review Criteria** *Updated May 2023*

Chapter 57 of the Laws of 2019 added a new provision to the utilization review program standards in Insurance Law § 4902 and Public Health Law § 4902. The new provision requires that, when conducting utilization review for purposes of determining health care coverage for a mental health condition, health maintenance organizations and insurers, and their contracted utilization review agents, utilize evidence-based and peer-reviewed clinical review criteria that are appropriate to the age of the patient and which have been deemed appropriate and approved for use in determining health care coverage for the treatment of mental health conditions by the Commissioner of the New York State Office of Mental Health (OMH), in consultation with the Commissioner of Health, and the Superintendent of Financial Services.

OMH developed the *Guiding Principles for the Review and Approval of Clinical Review Criteria for Mental Health Services* (hereafter [Guiding Principles](#)) and the *New York State Office of Mental Health Best Practices Manual for Utilization Review for Adult and Child Mental Health Services* (hereafter [Best Practices Manual](#)). The Guiding Principles outline the guidelines that govern OMH's review and approval process to ensure that coverage determinations for mental health services are made in a manner consistent with accepted medical practices and federal and state behavioral health parity laws. The Best Practices Manual provides the framework for the best practice approaches to utilization review in a manner that is aligned with the Guiding Principles as well as federal and state laws related to utilization review and behavioral health parity. Insurers are required to follow the Guiding Principles and are encouraged to adopt the Best Practices Manual. If an insurer chooses to forgo adopting the Best Practices Manual, they must demonstrate that their practices are compliant with federal and state mental health parity laws.

New York State OMH conducted a comprehensive examination of 30 insurers' medical necessity criteria and associated policies and procedures (collectively "criteria"), across several lines of business, including Commercial, Medicaid Managed Care (MMC), Essential Plan (EP), and Child Health Plus (CHP). Currently 28 insurers (62 lines of business) have approved criteria that adhere to the Guiding Principles and are aligned with the Best Practices Manual. Two insurers (two lines of business) continue to operate under conditional approval of their original submission of criteria, as the proposed criteria does not yet meet the State's standards for approval. OMH will continue to work closely with the remaining insurers to achieve acceptable criteria. For insurers that are unable to meet acceptable standards, OMH, in consultation with the Department of Health and Department of Financial Services, will identify the appropriate next steps.

Current results are as follows:

<b>Approved Insurers</b>	
<b>Insurer</b>	<b>Line(s) of Business</b>
4 Ever Life Insurance Company	Commercial
Aetna Health Insurance Company of NY	Commercial
Aetna Life Insurance Company	Commercial
Amida Care, Inc.	MMC
Capital District Physician's Health Plan, Inc.	Commercial, MMC, EP, CHP
Cornell University	Commercial
Emblem (Health Insurance Plan of Greater New York, Inc.)	Commercial, MMC, EP, CHP
Empire HealthChoice Assurance	Commercial
Empire HealthChoice HMO, Inc.	Commercial
Excellus Health Plan, Inc.	Commercial, MMC, EP, CHP
Fidelis Care	Commercial, MMC, EP, CHP
Healthfirst PHSP, Inc.	Commercial, MMC, EP, CHP
HealthPlus (Empire Blue Cross Blue Shield HealthPlus)	MMC, EP, CHP
HealthPlus HMO	Commercial
Highmark Inc.	Commercial, MMC, EP, CHP
Independent Health Association, Inc.	Commercial, MMC, EP, CHP
MetroPlus Health Plan, Inc.	Commercial, MMC, EP, CHP
Molina Healthcare of New York, Inc.	MMC, EP, CHP
MVP Health Plan, Inc.	Commercial, MMC, EP, CHP
Nippon Life	Commercial
Oscar Insurance Corporations (Oscar NY)	Commercial
Oxford Health Insurance, Inc.	Commercial
Putnam/Northern Westchester Health Benefits Consortium	Commercial
United Healthcare of New York	Commercial, MMC, EP, CHP
UnitedHealthcare Insurance Company of New York	Commercial
University of Rochester	Commercial
VNS Health (d/b/a VNSNY Choice)	MMC
Wellfleet - Hines	Commercial

<b>Unapproved Insurers Operating Under Conditional Approval</b>	
<b>Insurer</b>	<b>Line of Business</b>
Cigna	Commercial
Wellfleet - Cigna	Commercial