

Summary of Review and Approval of Clinical Review Criteria

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 thirty insurers' clinical review 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). While initial submissions did not meet acceptable standards, OMH has continued to work closely with insurers to achieve approvable criteria. Currently 21 insurers (44 lines of business) have approved criteria that adhere to the Guiding Principles and are aligned with the Best Practices Manual. Nine insurers (22 lines of business) continue to operate under conditional approval of their original submission of criteria, as their proposed criteria does not yet meet the State's standards for approval. 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 demonstrated as follows:

Approved Insurers		
Insurer	Line(s) of Business	Implementation Date
4 Ever Life Insurance Company	Commercial	6/01/2021
Aetna Health Insurance Co. of NY	Commercial	6/01/2021
Aetna Life Insurance Co.	Commercial	6/01/2021
Amida Care, Inc.	MMC	10/01/2021
Capital District Physician's Health Plan, Inc.	Commercial, MMC, EP, CHP	2/01/2022
Cornell University	Commercial (Student)	6/01/2021
Emblem (Beacon)	Commercial, MMC, EP, CHP	10/01/2021
Empire HealthChoice Assurance	Commercial	TBD
Empire HealthChoice HMO	Commercial	TBD
Fidelis	Commercial, MMC, EP, CHP	4/01/2021
HealthPlus	MMC, EP, CHP	TBD
Highmark	Commercial, MMC, EP, CHP	TBD
Independent Health	Commercial, MMC, EP, CHP	10/01/2021
MetroPlus	Commercial, MMC, EP, CHP	10/01/2021
Molina	MMC	6/01/2021
MVP	Commercial, MMC, EP, CHP	3/31/2022
Nippon Life	Commercial	6/01/2021
Putnam/Northern Westchester Health Benefits Consortium	Commercial (Municipal)	6/01/2021
University of Rochester	Commercial (Student)	6/01/2021
VNSNY	MMC	10/01/2021
Wellfleet - Hines	Commercial	12/06/2021

Unapproved Insurers Operating Under Conditional Approval	
Insurer	Line(s) of Business
Cigna	Commercial
Emblem (Montefiore)	Commercial, MMC, EP, CHP
Excellus	Commercial, MMC, EP, CHP
Healthfirst	Commercial, MMC, EP, CHP
HealthPlus HMO	Commercial
Oscar	Commercial
Oxford	Commercial
United Healthcare	Commercial, MMC, EP, CHP
UHICNY	Commercial
Wellfleet - Cigna	Commercial