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Memorandum in Support

S.2992 (Harckman)/A.5588 (Barrett)

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to sections 3 and 4 of article 17 of the constitution, in relation to the protection and promotion of the mental health of New Yorkers

The Mental Health Association in New York State, Inc. (MHANYS) strongly supports S.2992 (Harckman)/A.5588 (Barrett), which would amend the State Constitution to create parity between mental and physical health.

MHANYS is dedicated to the concept of mental health parity and has been very involved in public policy efforts to assure parity. We co-chaired the Timothy's Law campaign dedicated to establishing full mental health parity in all insurance plans. Parity means that mental health coverage should be covered at the same level as physical health care. Similar legislation was passed in 2008 at the federal level. The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) is a federal law that generally prevents group health plans and health insurance issuers that provide mental health or substance use disorder (MH/SUD) benefits from imposing less favorable benefit limitations on those benefits than on medical/surgical benefits.

Unfortunately, the hope of true parity is still far from being fully realized. A 2019 report by Millimanⁱ looked at the status of mental health parity in the U.S. based on available insurance information. The report showed continued and increased disparities between behavioral health care and physical health care coverage, indicating possible evidence of noncompliant insurance practices. Similar disparities exist in New York, requiring New York's Attorney General to intervene and enforce Timothy's Law. It's time that all of our laws reflect the imperative of mental health parity, especially those as fundamental as our State Constitution.

This legislation would amend a section of the Constitution first enacted during the 1938 Constitutional Convention. Since then, our knowledge and appreciation of mental health services has advanced greatly. In addition, MHANYS believes that the concept of mental health parity transcends its use with regard to health insurance and includes the attitude and belief that our mental health is as important as our physical health. Unfortunately, our Constitution does not reflect this sentiment.

Therefore, MHANYS firmly believes that New York's Constitution should be amended to reflect the notion of mental health parity with physical health and we urge the Legislature to pass S.2992/A.5588.

ⁱ Davenport S, Gray TJ, Melek SP. Addiction and mental health vs. physical health: widening disparities in network use and provider reimbursement. Milliman Research Report. 2019.

Healthy Minds For A Healthy New York

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