NEW YORK STATE DEPARTMENT OF HEALTH
DIVISION OF HEALTH PLAN CONTRACTING AND OVERSIGHT
ARTICLES 44 AND 49 STATEMENT OF DEFICIENCIES

NAME OF MANAGED CARE ORGANIZATION	**TYPE OF SURVEY**
New York Quality Healthcare Corporation (Fidelis)	Mental Health Parity and Addiction Equity Act (MHPAEA) Compliance Virtual Focus Survey **Survey ID #** 1663075973
STREET ADDRESS, CITY, STATE, ZIP CODE 25-01 Jackson Avenue Long Island City, NY 11101	**SURVEY DATES** September 14, 2022 – October 2, 2023

NOTE: The following list of deficiencies was identified by Health Department representatives during an Article 44 and/or Article 49 operational or focused survey of your Managed Care Organization (MCO). Correction of these deficiencies is required in order to bring your MCO into compliance with Article 44 and/or 49 of the New York State Public Health Law and the New York State Official Compilation of Codes, Rules, and Regulations (10NYCRR). In the column headed Provider Plan of Correction, describe the Plan of Corrective Action and anticipated date of corrections. The Plan of Correction should be returned within 15 business days.

Deficiencies	Plan of Correction with Timetable
10 NYCRR 98- 4.4 Mental health and substance use disorder parity compliance program (a) Every MCO shall adopt and implement a compliance program that shall include at a minimum: (1) designation of an appropriately experienced individual who shall: (i) be responsible for assessing, monitoring, and managing parity compliance; (ii) report directly to the MCO's chief executive officer or other senior manager; and (iii) report no less than annually to the MCO's board of directors or other governing body, or the appropriate committee thereof, on the activities of the compliance program; **(2) written policies and procedures that implement the compliance program, and that describe how the MCO's parity compliance is assessed, monitored, and managed, including: (i) a system for assigning each benefit to the defined benefit classifications as required by MHPAEA; (ii) methodologies for the identification and testing of all financial requirements and quantitative treatment limitations; and (iii) methodologies for the identification and testing, including a comparative analysis, of all non-quantitative treatment limitations that are imposed on mental health or substance use disorder benefits;**	**1. Review, revision and/or correction completed** Fidelis' comparative analysis of the Out of Network Coverage Standards were maintained not in one policy, but in four (4) separate policies that cover Out of Network Coverage Standards: (1) Non-Quantitative Treatment Limitation Parity Testing of Access to Out-of-Network Services, (2) Non-Quantitative Treatment Limitation Parity Testing of Prior Authorization, (3) Non-Quantitative Treatment Limitation Parity Testing of Concurrent Review, and (4) Non-Quantitative Treatment Limitation Parity Testing of Medical Necessity Criteria and Clinical Coverage Guidelines. Based on a technical assistance call held on March 8, 2024, with the Department of Health and Office of Mental Health, Fidelis will create an independent NQTL analyses for Out of Network (OON) coverage standards. **Responsible Person Name and Title:** [redacted], Senior Vice President, Population Health & Clinical Operations [redacted] Vice President, Contract Management **2. Education and Training** Fidelis provides parity education and training to advance the knowledge and understanding of the purpose and processes on Parity for all employees annually and upon hire. In 2024 the annual training will launch on May 1, 2024. An additional training and education will be provided to the staff involved
MCO Representatives Signature: [redacted] Title Vice President of Compliance	Date: March 11, 2024

NEW YORK STATE DEPARTMENT OF HEALTH
ARTICLE 44 STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION
CONTINUATION SHEET

Name of Managed Care Organization New York Quality Healthcare Corporation (Fidelis)	**Survey Dates** September 14, 2022 – October 2, 2023 **Survey ID #** 1663075973
Deficiencies	**Plan of Correction with Timetable**
(3) methodologies for the identification and remediation of improper practices, as described in paragraph (1) of subdivision (b) of this section; (4) a system for the ongoing assessment of parity compliance…. **Deficiency:** Based on review of the Phase I, Phase II, and Phase III nonquantitative treatment limitation (NQTL) workbooks submitted in response to the Mental Health Parity and Addiction Equity Act (MHPAEA) Compliance Virtual Focus Survey, Fidelis failed to demonstrate a complete comparative analysis of the following NQTLs: Out of Network (OON) Coverage Standards. Specifically, Fidelis incorrectly provided a comparative analysis for OON reimbursement rate setting in response to the request for a comparative analysis of OON coverage standards. The provided comparative analysis was sufficient, but not the correct subject matter. This was discussed with Fidelis during an exit conference call on October 2, 2023.	in the comparative analyses of Out of Network Coverage Standards surrounding the independent NQTL analyses by April 15, 2024. Responsible Person Name and Title: [redacted] Vice President of Compliance **3. Monitoring/Auditing Plan** Fidelis conducts ongoing monitoring of parity compliance according to policy requirements outlined. Each NQTL policy is reviewed by the appropriate workgroup and updated as needed to reflect ad hoc changes to policy, and at least annually. The operations measure data and comparative analysis associated with each NQTL is reviewed and monitored on a quarterly basis to ensure parity compliance. The same standards of monitoring will be applied to Out of Network Coverage Standards NQTL. The next meeting to review all operational measures of NQTL parity analyses, including Out of Network Coverage Standards is scheduled on May 15, 2024. **Responsible Person Name and Title:** [redacted] Vice President of Compliance [redacted], Senior Vice President, Population Health & Clinical Operations [redacted], Vice President, Contract Management **4. A date certain for implementation** This plan of correction will be implemented by June 30, 2024. This date is needed for creating an independent NQTL, to test and perform data validation and monitor compliance in our regularly scheduled quarterly review.