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:**
Excellus Health Plan, Inc.	Focus Survey: Mental Health Parity and Addiction Equity Act Testing of Phase III Workbooks
STREET ADDRESS, CITY, STATE, ZIP CODE 165 Court Street Rochester, NY 14647	SURVEY DATES: March 11, 2020 - November 30, 2020 Survey ID#: -1735509361

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 Stale 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 CRR-NY 98-1.16 Disclosure and filing. **(h) In the event an MCO does not provide substantially complete reports or other information required under this Subpart by the due date, or provide requested information within 30 days of any written request for a specific analysis or report by the superintendent or commissioner, the superintendent or commissioner is authorized to levy a civil penalty, after notice and hearing, pursuant to section 12 of thePublic Health Law or sections 307 and 308 of the Insurance Law.** **<u>Deficiency:</u>** Based on the review of Excellus Health Plan, Inc.'s (Excellus) Phase III nonquantitative treatment limitation (NQTL) workbook submission, the MCO failed to provideall required information and comparative analyses demonstrating compliance with 42 CFR 438 Subpart K, and applicable State statute, rules and guidance; including the Mental Health Parity and Addiction Equity Act of 2008(MHPAEA), P.L. 110-343, for 5 of 10 NQTLs examined; retrospective review, outlier review, experimental/investigational determinations, fail first, and provider credentialing. • Specifically, Excellus failed to define factors in Step 3, evidentiary standards comparability andequivalent stringency, for retrospective review inthe prescription drugs benefit classification.	**Phase III – Retrospective Review – Prescription Drugs – Steps 3 and 5** Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance. **<u>Remediation</u>:** We are in the process of updating our workbooks to provide more details on the evidentiary standards applied and about how our Plan is operationalizing this NQTL for Prescription Drugs. **<u>Responsible Party</u>:** [redacted] Manager, Clinical Operations, Data Reporting **<u>Completion Date</u>:** 12/31/2021 **<u>Monitoring</u>:** We will perform ongoing comparative analyses through quarterly updates to the retrospective review workbook. If any parity discrepancies are identified through the comparative

Excellus failed to provide substantive comparative analyses in Step 5, in operation comparability and equivalent stringency, for retrospective review in the inpatient, outpatient, and prescription drugs benefit classification and for outlier review and provider credentialing in the inpatient, outpatient, and emergency care benefit classifications. The MCO also failed to provide substantive comparative analyses in Step 3, evidentiary standards comparability and equivalent stringency, (outpatient benefit classification only), Step 4, as written comparability and equivalent stringency, (outpatient benefit classification only), and Step 5, in operation comparability and equivalent stringency, for experimental/investigational determinations in the outpatient and prescription drugs benefit • . classifications. Additionally, Excellus failed to provide all information and substantive comparative analyses for Steps 2 through 5 for fail first in the prescription drugs benefit classification. Due to these findings, the State is not able to assess whether the MCO complies with MHPAEA for the above-referenced NQTLs.	analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request. **Responsible Party:** [redacted] Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks. **Education/Training:** Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021. The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities. **Responsible Party:** [redacted]

[redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Retrospective Review – Inpatient and Outpatient – Step 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on the in-operation comparability and equivalent stringency and about how our Plan is operationalizing this NQTL for inpatient and outpatient retrospective reviews.

Responsible Party: T[redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the retrospective review workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and

retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted], Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.

The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted] Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Outlier Review – Inpatient, Outpatient

	and Emergency Care – Step 5 Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance. **Remediation:** We are in the process of updating our workbooks to provide more details on how our plan is operationalizing this NQTL for inpatient, outpatient, and emergency care. **Responsible Party:** [redacted]r, Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 **Monitoring:** We will perform ongoing comparative analyses through quarterly updates to the outlier review workbook. If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request. **Responsible Party:** [redacted], Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 and annually thereafter, and as often

as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.

The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Provider Credentialing – Inpatient, Outpatient and Emergency Care – Step 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

	Remediation: We are in the process of updating our workbooks to provide more details on how our plan is operationalizing this NQTL for inpatient, outpatient, and emergency care. **Responsible Party:** [redacted] Manager, Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 **Monitoring:** We will perform ongoing comparative analyses through quarterly updates to the provider credentialling workbook. If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request. **Responsible Party:** [redacted], Manager, Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks. **Education/Training:** Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity

requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.

The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted] Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Experimental or Investigational – Outpatient – Steps 3, 4 and 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on the evidentiary standards applied, comparative analysis of the written processes and strategies, and how our plan is operationalizing this NQTL for outpatient services.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the experimental/investigational determinations workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and

	Learn format) was completed on 6/30/2021. The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities. **Responsible Party:** [redacted], Manager, Clinical Operations, Data Reporting **Completion Date:** Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis. **Phase III – Experimental or Investigational – Prescription Drugs - Step 5** Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance. **Remediation:** We are in the process of updating our workbooks to provide more details on how our Plan is operationalizing this NQTL for prescription drugs. **Responsible Party:** [redacted], Manager, Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 **Monitoring:** We will perform ongoing comparative analyses through quarterly updates to the experimental/investigational determinations workbook. If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual

	or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request. **Responsible Party:** [redacted], Manager, Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks. **Education/Training:** Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021. The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities. **Responsible Party:** [redacted], Manager, Clinical Operations, Data Reporting **Completion Date**: Initial training of employees and agents on all

	aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis. **Phase III – Fail First – Prescription Drugs – Steps 2, 3, 4 and 5** Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance. **Remediation:** We are in the process of updating our workbooks to provide more details on identification factors, evidentiary standards applied, comparative analysis of the written processes and strategies, and how our plan is operationalizing this NQTL for prescription drugs. **Responsible Party:** [redacted], Manager, Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 **Monitoring:** We will perform ongoing comparative analyses through quarterly updates to the fail first workbook. If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

	Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting **Completion Date:** 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks. **Education/Training:** Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021. The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities. **Responsible Party:** [redacted], Manager, Clinical Operations, Data Reporting **Completion Date**: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

MCO Representative's Signature [redacted]	Date11/16/2021
Title Vice President Regulatory Compliance, Medicare and Safety Net Compliance Officer	

Statement of Findings
Excellus Health Plan, Inc.
Mental Health Parity and Addiction Equity Act Testing of Phase Ill Workbooks
March 11, 2020 - November 30, 2021
Survey ID#: =1735509361

Parity Compliance

10.2 Compliance with State Medicaid Plan, Applicable Laws and Regulations
h.) Mental Health and Substance Use Disorder Benefits Parity Requirements
ii.) The Contractor shall comply with mental health and substance use disorder benefits parity requirements for financial requirements and treatment limitations specified in 42 CFR 438.910.

18:5 Reporting Requirements
a) The Contractor shall submit the following reports to SDOH (unless otherwise specified). The Contractor will certify the data submitted pursuant to this section as required by SDOH. The certification shall be in the manner and format established by SDOH and must attest, based on best knowledge, information, and belief to the accuracy, completeness and truthfulness of the data being submitted.
xxii) Mental Health and Substance Use Disorder Parity Reporting Requirements
Upon request by the SDOH, OMH or OASAS the Contractor shall prepare and submit documentation and reports, in a form and format specified by SDOH, OMH or OASAS, necessary for the SDOH, OMH or OASAS to establish and demonstrate compliance with 42 CFR 438 Subpart K, and applicable State statute, rules and guidance.

35.1 Contractor and SDOH Compliance With Applicable Laws
Notwithstanding any inconsistent provisions in this Agreement, the Contractor and SDOH shall comply with all applicable requirements of the State Public Health Law; the State Social Services Law; the State Finance Law; the State Mental Hygiene Law; the State Insurance Law; Title XIX of the Social Security Act; Title VI of the Civil Rights Act of 1964 and 45 CFR Part 80, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973 and 45 CFR Part 84, as amended; the Age Discrimination Act of 1975 and 45 CFR Part 91, as amended; the ADA; Title XIII of the Federal Public Health Services Act, 42 U.S.C § 300e et seq., regulations promulgated thereunder; the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and related regulations; the Federal False Claims Act, 31 U.S.C. § 3729 et seq.; Mental Health Parity and Addiction Equity Act of 2008, (P.L. 110-345); for Contractors operating in New York City, the New York City Health Code; and all other applicable legal and regulatory requirements in effect at the time that this Agreement is signed and as adopted or amended during the term of this Agreement. The parties agree that this Agreement shall be interpreted according to the laws of the State of New York.

Finding:

Based on the review of Excellus Health Plan, lnc.'s (Excellus) Phase Ill nonquantitative treatment limitation (NQTL) workbook submission, the Managed Care Organization (MCO) failed to provide all required information and comparative analyses demonstrating compliance with 42 CFR 438 Subpart K, and applicable State statute, rules and guidance; including the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), P.L. 110-343, for 5 of 1O NQTLs examined; retrospective review, outlier review, experimental/investigational determinations, fail first, and provider credentialing.

- Specifically, Excellus failed to define factors in Step 3, evidentiary standards comparability and equivalent stringency, for retrospective review in the prescription drugs benefit classification. Excellus failed to provide substantive comparative analyses in Step 5, in operation comparability and equivalent stringency, for retrospective review in the inpatient, outpatient, and prescription drugs benefit classification and for outlier review and provider credentialing in the inpatient, outpatient, and emergency care benefit classifications:

  The MCO also failed to provide substantive comparative analyses in Step 3, evidentiary standards comparability and equivalent stringency, (outpatient benefit classification only), Step 4, as written comparability and equivalent stringency, (outpatient benefit classification only), and Step 5, in operation comparability and equivalent stringency, for experimental/investigational determinations in the outpatient and prescription drugs benefit classifications. Additionally, Excellus failed to provide all information and substantive comparative analyses for Steps 2 through 5 for fail first in the prescription drugs benefit classification. Due to these findings, the State is not able to assess whether the MCO complies with MHPAEA for the above-referenced NQTLs.

Plan of Correction
Phase III – Retrospective Review – Prescription Drugs – Steps 3 and 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on the evidentiary standards applied and about how our Plan is operationalizing this NQTL for Prescription Drugs.

Responsible Party: [redacted], Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the retrospective review workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to

remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted] Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.
The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Retrospective Review – Inpatient and Outpatient – Step 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on the in-operation comparability and equivalent stringency and about how our Plan is operationalizing this NQTL for inpatient and outpatient retrospective reviews.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the retrospective review workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.
The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Outlier Review – Inpatient, Outpatient and Emergency Care – Step 5
Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on how our plan is operationalizing this NQTL for inpatient, outpatient, and emergency care.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the outlier review workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.
Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.
The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Provider Credentialing – Inpatient, Outpatient and Emergency Care – Step 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on how our plan is operationalizing this NQTL for inpatient, outpatient, and emergency care.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the provider credentialling workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.
Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least

annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.
The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Experimental or Investigational – Outpatient – Steps 3, 4 and 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on the evidentiary standards applied, comparative analysis of the written processes and strategies, and how our plan is operationalizing this NQTL for outpatient services.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the experimental/investigational determinations workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.
The training also includes training on updating workbooks to reflect any changes or corrections needed

to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted] Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Experimental or Investigational – Prescription Drugs - Step 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on how our Plan is operationalizing this NQTL for prescription drugs.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the experimental/investigational determinations workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.

The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.

Phase III – Fail First – Prescription Drugs – Steps 2, 3, 4 and 5

Excellus Health Plan, Inc. is committed to ensuring ongoing compliance with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and related regulations. This commitment includes updating and maintaining current workbooks with the required information and substantive comparative analyses to demonstrate compliance.

Remediation: We are in the process of updating our workbooks to provide more details on identification factors, evidentiary standards applied, comparative analysis of the written processes and strategies, and how our plan is operationalizing this NQTL for prescription drugs.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021

Monitoring: We will perform ongoing comparative analyses through quarterly updates to the fail first workbook.

If any parity discrepancies are identified through the comparative analyses, or other monitoring activities, the workbooks will be updated as appropriate. Additionally, the individual or business area responsible for performing the comparative analyses is required to notify the Plan's Regulatory Compliance Department of these potential or actual violations through our regulatory self-reporting process. Our Plan will document and retain records of these violations, take the appropriate action to remediate the violations as identified, produce the necessary evidence of the remediation activity, and provide this information to the State, upon request.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: 12/31/2021 and annually thereafter, and as often as needed when operational changes are made that impact the workbooks.

Education/Training: Since the submission of these workbooks, we have implemented robust training on all aspects of MH Parity. Formal training related to MH and SUD parity requirements was provided to those employees and agents (i.e. behavioral health vendors and utilization review agents) who are engaged in functions subject to MH and SUD parity requirements or who are involved in conducting analyses to determine compliance with such requirements. This training will be conducted at least annually, and also be made a part of the orientation for new employees involved with MH and SUD benefits or analyses to determine compliance. The initial training session (Lunch and Learn format) was completed on 6/30/2021.
The training also includes training on updating workbooks to reflect any changes or corrections needed to address any areas of noncompliance found through our monitoring activities.

Responsible Party: [redacted], Manager, Clinical Operations, Data Reporting

Completion Date: Initial training of employees and agents on all aspects of MH parity including training on workbooks was completed on 6/30/2021. This training will continue on an annual basis.