



## Legislation Text

---

**File #:** Res 0587-2023, **Version:** \*

---

### Res. No. 587

Resolution calling on the New York State Office of Mental Health to expand enforcement of mental health and substance use disorder insurance parity and apply for federal grants to enforce insurance parity.

By Council Members Powers, Lee, Bottcher, Schulman, Rivera, Riley, Louis, Hudson, Ayala, Holden, Ung, Joseph, Abreu, Avilés, Nurse, Cabán, Dinowitz and Ariola (in conjunction with the Brooklyn Borough President)

Whereas, According to the Mayor’s Office of Community Mental Health (OCMH), approximately one in five adults in New York City lives with a mental illness; and

Whereas, According to the Substance Abuse and Mental Health Services Administration, less than half of Americans struggling with mental illness receive the treatment they need; and

Whereas, OCMH reports that New Yorkers’ connection to mental healthcare differs significantly by race, ethnicity, sex, insurance status, and neighborhood poverty level, among other factors; and

Whereas, Timothy’s Law of 2006 requires insurance companies in New York State to cover a range of “biologically based mental illness or serious emotional disturbance disorders,” particularly those related to children; and

Whereas, The federal Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) mandates that health plans provide a level of benefits for mental health and substance use disorder treatments comparable to benefits for medical and surgical care; and

Whereas, The New York State government health and mental hygiene budget for the 2019-2020 fiscal year codified New York State insurance parity requirements consistent with MHPAEA; and

Whereas, According to MHPAEA compliance reports, enforcement efforts have historically focused on minimizing the likelihood of future violations through outreach, compliance assistance, and interpretive

guidance; and

Whereas, The 2022 MHPAEA compliance report states that many health plans are still not complying with MHPAEA requirements and that inequities in reimbursement and utilization review for behavioral health services continue to negatively impact access to care; and

Whereas, The persistence of MHPAEA violations makes it clear that compliance assistance alone is not sufficient and a greater emphasis on proactive enforcement is required; and

Whereas, H.R. 2617, the Consolidated Appropriations Act of 2023, includes \$50 million of funding spread across five years to help states enforce the federal parity provisions; and

Whereas, To access such parity enforcement funds, states will be required to apply for grants from the Department of Health and Human Services; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Office of Mental Health to expand enforcement of mental health and substance use disorder insurance parity and apply for federal grants to enforce insurance parity.

NM  
LS # 11691/LS # 11708  
3/21/2023