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**ON FINANCE AGENDA**

June 7, 2010

RE: AN ACT to amend the insurance law and  
the public health law, in relation to coverage  
for the screening, diagnosis and treatment of  
autism spectrum disorder

S. 7000-B (Breslin)

**MEMORANDUM IN OPPOSITION**

Submitted on behalf of the Blue Cross and Blue Shield Plans

The New York State Conference of Blue Cross and Blue Shield plans strongly opposes enactment of this bill, which imposes an ambiguous and complex mandate on private health insurance plans without any analysis or input from the legislatively-created "Mandate Review Commission." Such an effort is counterintuitive at a time when policymakers are struggling to find ways to keep health insurance affordable and the federal regulatory landscape is changing dramatically.

Especially concerning is the broad and ambiguous standard to which insurance policies will be held. The bill establishes an advisory panel which will determine the services to be included in the mandate by promulgating regulations within twelve months of enactment. As a result of this approach, it is currently impossible to gauge the scope of this mandate. Further, the panel is required to develop this standard at a time when the relevant regulatory structure is in a considerable state of flux.

Specifically, as we advance federal health care reform implementation measures over the next few years, this bill, should it be enacted, will create potentially significant complications and burden for New Yorkers. To date, it is unclear what the benefits package required for exchange-eligible policies will contain and mandating benefits that will put New York policies further

away from conformity to federal standards is ill-advised at this time. It is also currently unclear whether a new state mandate would destroy policies' inclusion in the federal reform bill's "grandfather" clause, which allows insureds to keep a policy they are currently satisfied with. This continuity of existing policies was a critical issue in the reform debate generally as many American's were uncomfortable with the idea of dramatic changes to policies they are happy with.

The issue of changes on the federal level is especially complex in the context of autism as the implications of the diagnosis as they pertain to federal mental health parity are also currently unclear. The regulations do not expressly speak to autism, but the consensus among advocates is that the diagnosis is encompassed by the law. The interplay between these two significant federal implementation efforts makes for a complex and dynamic regulatory environment which will only be muddled further by inconsistent state-level efforts at this time.

Finally, this bill runs counter to the Legislature's efforts to control health care costs. Recognizing the need for a deliberative approach to health insurance mandates, the Legislature established a "Mandate Review Commission" in 2007. The Commission was designed to provide critical analysis of the costs and benefits of health insurance mandates in order to ensure rationality and affordability in New York's health insurance market. A proposal as sweeping as this bill is an ideal candidate for such an analysis – however, the Commission has never been established. We urge the Legislature to pend any action on additional health insurance mandates, especially one as significant as that contained in this bill, until a working Mandate Review Commission can provide input.

For these reasons, the Blue Cross and Blue Shield Plans of New York oppose the enactment of this legislation

Respectfully submitted,

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