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P: (800) 778-5560

August 20th, 2014

Roger Sevigny, Insurance Commissioner
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301

Dear Commissioner Sevigny,

We are writing with respect to insurance coverage for autism treatments, and in particular applied behavior analysis therapy, in 2015 policies. Insurance Bulletin INS-14-010-AB indicates that carriers must comply with both the requirements of the federal Mental Health Parity and Addiction Equity Act (MHPAEA) and state law requirements set forth in set forth in N.H. Rev. Stat. Ann §§ 417-E, 415:6-n and NH RSA415:18-5 with respect to pervasive development disorders/autism treatment services. The MHPAEA prohibits quantitative limits imposed on services for mental health conditions that do not apply to medical/surgical coverage.¹ Accordingly, Anthem which heretofore has been the only carrier offering ACA policies in the Marketplace/Exchange has acted to conform its health plans to the MHPAEA by eliminating service limits on coverage of ABA therapy for autism.²

We understand that in 2015, in addition to Anthem, Harvard Pilgrim will be offering policies on the exchange. Can you please verify that these policies have also been reviewed for compliance with MHPAEA and that they will not contain service limits specific to ABA Therapy? Thank you for your assistance. I can be contacted at tim@constellationsbehavioral.com or (800) 778-5560 x0.

Thank you,

A handwritten signature in black ink, appearing to read "Tim Heald", written over a light blue circular stamp.

Tim Heald, MBA, BCBA
Executive Director

¹ Specifically, the MHPAEA prohibits quantitative treatment limitations on mental health benefits that are more restrictive than the predominant treatment limitation imposed on substantially all medical/surgical benefits within the same classification (i.e. outpatient). See ERISA Section 712(a)(3), PHS Act Section 2726(a)(3), and Internal Revenue Code Section 9812(a)(3). The requirements of the MHPAEA apply to policies governed by the ACA. See Affordable Care Act §1311(j).

² Anthem BlueCross BlueShield Network Update August 2014, P.8 ("In accordance with Federal Mental Health Parity regulations, beginning on July 1, 2014 for new and renewing large and small group products, the limit of 360 hours per calendar year for ABA services was eliminated. ABA service limits for our individual products will be eliminated effective January 1, 2015.")