



California Society of Addiction Medicine

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November 1, 2022

The Honorable Ricardo Lara
Commissioner
Department of Insurance
State of California
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

Re: Prenotice Public Discussion: Mental Health and Substance Use Disorder Parity in Health Insurance

Dear Commissioner Lara,

On behalf of the [California Society of Addiction Medicine](http://www.csam-asam.org) (CSAM), the medical specialty society representing physicians and other clinicians in California specializing in the prevention and treatment of addiction, thank you for the opportunity to participate in the prenotice public discussion on [mental health and substance use disorder parity in health insurance](#). Overall, the draft text of the contemplated regulatory changes represents an improvement and would help California achieve more equitable health coverage for people with substance use disorder (SUD). **CSAM respectfully recommends additional improvements that would (1) require coverage for ASAM Level 3.7 (Medically Monitored High-Intensity Inpatient Services) and (2) better deter insurers from inappropriately denying coverage for medically necessary services.**

In the wake of the recent court decision reversing the central holding of *Wit v. United Behavioral Health*, strengthening SUD coverage is more important than ever. If adopted, these draft regulations will help do just that. By way of just one example, the draft's inclusion of non-profit professional association criteria will help facilitate a consistent framework for determining medical necessity and allow regulators to better understand how specific coverage determinations are being made by insurers. Overall, the draft text will improve coverage and quality of care for individuals with SUD.

Despite the improvements represented by the draft text, one shortcoming is that they do not fully incorporate all ASAM Levels of Care. While the draft text includes coverage of ASAM Level 3.7 for withdrawal management, coverage of ASAM Level 3.7 (Medically Monitored High-Intensity Inpatient Services) appears to be omitted. Therefore, CSAM recommends that any forthcoming regulations include coverage of ASAM Level 3.7 services. Coverage for these medically monitored high-intensity inpatient services are essential for individuals with SUD who need them.

In addition, the draft regulations' listed penalties for violations are between \$5,000-\$10,000 per event. While these monetary penalties are significant, CSAM is concerned that they will not

deter violations. As such, we urge the department to consider higher penalties, particularly for repeated violations.

Thank you for the opportunity to comment. We greatly appreciate your department's work to ensure coverage parity for Californians with SUD. Please do not hesitate to contact me if CSAM can further assist in this process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen", followed by a long, sweeping horizontal line.

Dr. Karen Miotto
President CSAM

A handwritten signature in dark ink, appearing to read "Kimberly", followed by a long, sweeping horizontal line.

Kimberly Andosca
Executive Director, CSAM