



Mental Health Parity Regulatory Issues August 2009

ISSUE: The passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 was a historic victory for mental health groups, patients and providers. Many issues must still be resolved through the regulatory process before the Act can be implemented. Congress should urge the Administration to move swiftly to issue clear guidance and regulations for covered employers.

BACKGROUND: On October 3, 2008, President Bush signed PL 110-434, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, which will help end health insurance benefits inequity between mental health/substance use disorders and medical/surgical benefits for group health plans with more than 50 employees.

The Act directs the Departments of Labor, Health and Human Services, and Treasury to assist in the implementation of the law by publishing guidance which will be widely distributed to group health plans, beneficiaries, regulatory bodies, state and local governments and insurance commissioners to ease the transition and to inform them on the details of the legislation. However, some employers are asserting that they require substantial lead time to negotiate plan coverage with their insurers and APA is concerned that even a modest delay in the release of these regulations may make it difficult for employers to clearly understand their obligations under the law, and accordingly to negotiate broad appropriate coverage for their employees.

On May 28, 2009, DGR filed APA's comments on the request for information (RFI) from the Departments asking for comments on specific issues related to the implementation of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). APA's comments focused on the need for clear, detailed regulations to ease implementation of the law and prevent less visible means of discrimination and restrictions on access of care. APA urged the Departments to review prior examples of parity implementation such as with the Federal Employee Benefit Program and the states which already have parity laws. DGR expects that an interim final rule with comments will be issued later this year, however we do not anticipate that a final rule will go into effect before the statutory deadline in early October. In the meantime, APA urges the Departments to issue guidance to assist the implementation of the law which goes into effect on January 1, 2010.

APA POSITION: Passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 was a landmark victory for patient care. APA urges Congress to ensure that the law is implemented as intended by following up with the Departments of Labor, Health and Human Services and the Treasury on implementation through formal rulemaking and request that, in the interim, they issue guidance for insurers and employers.