

Final Revised Joint Statement from Our Organizations (Released November 1, 2016)

The undersigned organizations issued the following statement today regarding the report released on October 27th by the [Mental Health and Substance Use Disorder \(MH and SUD\) Parity Task Force](#), established by President Obama in March 2016. A more in-depth analysis of the report and its recommendations is forthcoming; the below represents an initial analysis of the Parity Task Force report.

“We applaud the Obama administration and the Task Force Co-Chairs, White House Office of National Drug Control Policy Director Michael Botticelli and Director of the White House Domestic Policy Council Cecilia Muñoz, for their dedication to ensuring equal coverage of and meaningful access to mental health and substance use disorder (MH and SUD) care through strong implementation and enforcement of the Mental Health Parity and Addiction Equity Act (MHPAEA). Access to mental health care is critically important to reducing the rising suicide rate in America. In light of the nation’s opioid crisis, strong enforcement of the Parity Act is critical to ensuring better access to life-saving substance use disorder care. The report released last week bolsters work to improve access to care in important ways by, among many other recommendations and initiatives, directing \$9.3 million to states to strengthen implementation of the Parity Act, providing additional technical assistance to state regulators to improve parity compliance in commercial insurance and Medicaid, and taking important initial steps to both strengthen consumer rights to detailed information about why their insurance claims are denied, and to simplify the complaint process for consumers.

However, much additional work remains to help individuals and families who need mental health and substance use disorder care realize the full promise of MHPAEA. We call on the federal government to implement not only the Task Force’s excellent recommendations, but to also undertake the following critically important actions:

- *Issue additional guidance detailing what constitutes adequate disclosure. The next administration should address this problematic area by immediately releasing guidance that models, for issuers, appropriate disclosure of coverage and plan design information, as well as complete and specific disclosure of the factors, evidentiary standards that define such factors, processes and strategies for development and application of non-quantitative treatment limitations, both as written and as applied in operation.*
- *Require prospective parity compliance reviews. We urge the federal government to shift the burden of Parity Act enforcement away from consumers and their family members and instead require carriers to demonstrate compliance on the front end, as required by the law. We urge the next administration to rely less on “back-end” enforcement and consumer complaints by requiring carriers to demonstrate (beyond*

a simple “attestation of compliance”) that their MH/SUD benefits comply with the law before health insurance products are determined eligible for sale

- *Streamline the consumer complaint and appeals process. We appreciate the release of the beta version of the Consumer Web Portal and urge the federal government to direct sufficient resources toward further developing this tool so consumers and family members can efficiently and effectively navigate the process and assert their parity rights.*
- *Issue guidance identifying plan standards that violate the law. We appreciate that the new guidance accompanying the report reiterates that it is a violation of the law for insurers to impose stricter prior authorization and fail-first policies on SUD and MH benefits, including medication-assisted treatment (MAT). However, more explicit guidance detailing plan policies and practices that violate the law are needed. For example, the federal government should make clear that blanket coverage exclusions of methadone-maintenance therapy or any other medication or service violate the law. Despite clear evidence of effectiveness, MAT remains a tragically under-utilized tool in helping people enter and sustain recovery.*

We applaud the release of this report as an important step forward in realizing the intent of the Parity Act and thank President Obama for his continued leadership in working to improve coverage for and access to mental health and substance use disorder care. We, the undersigned organizations, are prepared and committed to working closely with the federal government and state policymakers and regulators to achieve the full promise of the law.”

American Academy of Addiction Psychiatry
American Association on Health and Disability
The American Foundation for Suicide Prevention
American Group Psychotherapy Association
The American Psychological Association Practice Organization
American Society of Addiction Medicine
Association for Ambulatory Behavioral Healthcare
California Consortium of Addiction Programs & Professionals
Clinical Social Work Association
Community Catalyst
Depression and Bipolar Support Alliance
Faces and Voices of Recovery
Harm Reduction Coalition
Health Equity Leadership and Exchange Network (HELEN)
Health Law Advocates
Kennedy Center for Mental Health Policy and Research at the Morehouse School of Medicine
The Kennedy Forum
The Kennedy Forum Illinois

Lakeshore Foundation
Legal Action Center
The Margaret Clark Morgan Foundation
Mental Health of America
Minnesota Recovery Connection
Morehouse School of Medicine
NAADAC - The Association for Addiction Professionals
NAMI – National Alliance on Mental Illness
NAMI Chicago
National Association of Addiction Treatment Providers
National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD)
The National Association of Psychiatric Health Systems
National Association for Rural Mental Health (NARMH)
The National Center on Addiction and Substance Abuse
National Council for Behavioral Health
NCADD-MD
The Parity Implementation Coalition
ParityTrack
Partnership for Drug-Free Kids
Representative Patrick J. Kennedy
Satcher Health Leadership Institute at Morehouse School of Medicine
Shatterproof
The Thomas Scattergood Behavioral Health Foundation
Thresholds (Illinois)
Treatment Communities of America
Treatment Research Institute