

Parity, 12 years in the making, passes following compromise

As fall began, most of Congress, along with the rest of the country, had its full attention on the economic debacle and whether the proposed \$700 billion rescue package would pass. A few key members of the House of Representatives and a determined group of advocates, however, made sure mental health and addiction health insurance parity did not get lost in the financial tumult. Their resolve was rewarded when, in the first week of October, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act became law.

The new measure is a compromise between the Senate and House of Representatives that remedies some but not all of the shortcomings in a 1996 parity measure. The law ensures health coverage parity in areas including payment of deductibles, co-payments and out of pocket expenses. The law is not a mandate but affects only those policies that already cover mental illness and addiction. The federal measure will not supersede state parity measures that provide greater protections, a key element to parity's supporters.

The major drawback as far as parity advocates are concerned is that determining a patient's medical necessity will continue to rest with the health insurer. The measure goes into effect Oct. 3, 2009, but as most insurance policies will not expire until the end of the 2009 calendar year, the provisions will in most cases not take effect until January 1, 2010.

The parity measure was part of the Emergency Economic Stabilization Act the House of Representatives passed. The House had withheld support of an earlier version of the economic package when the bill, absent the parity measure, came for a vote. Among the factors in the parity



Pat Taylor, executive director of Faces and Voices of Recovery, was among the staunch supporters who pressed for a vote on parity legislation in the current Congress.

measure's adoption was its being a legacy for retiring Rep. Jim Ramstad (R-Minn.), who with Rep. Patrick Kennedy (D-R.I.) co-sponsored the bill. The two legislators dedicated themselves for the past several years to seeing the measure pass. Their efforts included a 2007 tour of 14 states, including New Jersey, during which they collected testimony from families who had experienced insurance companies denying or limiting treatment for a loved one with a mental illness or addiction.

"This legislation is one more step in the long civil-rights struggle to ensure that all Americans have the opportunity to reach their potential," said Kennedy. "For

far too long, health insurance companies have used the stigma of mental illness and substance abuse as an excuse to deny coverage for those biological disorders. That ends today when this critical legislation outlaws the discrimination that is embedded in our laws and our policies." His father, Sen. Ted Kennedy (D-Mass.) sponsored the Senate version of parity.

Pat Taylor, executive director of the advocacy group Faces and Voices of Recovery, was quoted in a story on Join Together's website saying that the series of public hearings sponsored by Kennedy and Ramstad helped shed light on the problem of insurance discrimination against people in recovery and built support for parity legislation. "This victory turns the page in how our nation responds to our leading health problem - addiction to alcohol and other drugs," said Taylor. "While nearly half of Americans know someone who is in recovery from alcohol or drug problems, over 22 million Americans still struggle and have yet to find new lives in recovery; the Wellstone-Domenici bill will help pave their ways."

In New Jersey, John Hulick, director of Public Affairs and Policy for the state chapter of the National Council on Alcoholism and Drug Dependence, said "I am glad to have lived to see the day that alcohol and drug addiction treatment will be provided like that of any other chronic illness. We look forward to redoubling our efforts in New Jersey to build on the new floor for addiction treatment established by the passage of the federal parity legislation." New Jersey advocates saw comprehensive state parity bill come close to adoption at the end of last year, passing in the state Senate before being denied a vote by As-

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sembly Speaker Joe Roberts (D-Camden).

House of Representatives Speaker Nancy Pelosi (D-Calif.) released a statement on the measure: "Among the many challenges is the fact that almost every American family has to grapple with mental illness at some point. By including the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act in this essential legislation, we are requiring that illness in the brain be treated just like illness anywhere else in the body for insurance purposes. This is helping to end discrimination against those who seek treatment for mental illness. Simply put, it will save lives. We owe a great deal of thanks to the champions of this bipartisan legislation, Congressman Patrick Kennedy of Rhode Island and Congressman Jim Ramstad of Minnesota. Through their outstanding work, Congress has given hope and help to the millions of American families dealing with mental illness and addiction."

The late Sen. Paul Wellstone's son David called the bill "a major achievement, one I know my dad would be proud of."