

NATIONAL FAMILY DIALOGUE WEBINAR SERIES

Everything you need to know about the new Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

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The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

- On October 3, 2008, President Bush signed into law the *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008* as part of the financial rescue package (Public Law No. 110-343)



2

What Does Parity Mean?



- Under the new Act:
- 140 million people will now have non-discriminatory addiction and mental health coverage under employer-based plans, SCHIP and Medicaid
- Including 111 million new individuals under ERISA plans who previously lacked State parity law protections

3

Regulatory Process

- Federal regulations were released on January 29, 2010
- The regulations go into effect for plan years beginning on or after July 1, 2010



4

Regulatory Process

Comments are due May 3, 2010

- Three federal agencies:
Departments of Health and Human Services, Labor and Treasury
- The Agencies are seeking comments on:
 - Medical Management
 - Scope of Service
 - Medical Necessity Criteria
 - Formulary Comparability
 - Cost of Combined Deductibles
 - Provider Networks

Making the Promise into a Reality

- Equity in coverage
 - Ending lifetime and annual dollar limits
 - Ending higher deductibles, co-pays and out-of-pocket expenses
 - Ending limits on services including frequency of treatment, number of visits, days of coverage and similar limits
- Ending inequity between mental health/substance use disorders and medical/surgical benefits for group health plans with more than 50 employees.
- Limiting high out of pocket spending by having 1 combined deductible for both substance use disorder/mental health & medical spending
- Requiring health plans to provide the same range & scope of services for substance use disorder care as provided for medical care

Exercising Your New Rights and Benefits

- 1). **The U.S. Department of Labor's Employee Benefits Security Administration** has benefit advisors who are available to answer your questions about the MHPAEA and give assistance in obtaining your benefits.

You can send an inquiry using an online form at <http://askebsa.dol.gov/Seclnit/> or call toll-free 1-866-444-EBSA (3272).

Exercising Your New Rights and Benefits

- 2). **The U.S. Department of Health and Human Services** has a Help Line to answer questions or hear concerns about your health plan's compliance with the law.

Call toll-free 1-877-267-2323 extension 6-5511. You can also send an email to: phig@cms.hhs.gov.

Exercising Your New Rights and Benefits

3). **Your State Insurance Commissioner.** To file a complaint or grievance with your state's insurance consumer complaints division click on this link to the National Association of Insurance Commissioner's Maps and Jurisdictions page:

http://www.naic.org/state_web_map.htm. Click on your state or choose the state name from the drop down menu to get to your State's Department of Insurance webpage.

What about state laws?

- Forty-three states have parity laws. While some do provide stronger parity protections than the Wellstone-Domenici Act, most are not as comprehensive. State laws that provide less protection than the federal law are preempted. If a state law provides for more protection than the federal law, it is not preempted. That means that the Wellstone-Domenici Act is a "floor" from which states may provide for greater protection.
- **To find out about your state's law**, check out a publication from the National Conference of State Legislatures:
State Laws Mandating or Regulating Mental Health Benefits
<http://www.ncsl.org/IssuesResearch/Health/StateLawsMandatingorRegulatingMentalHealthB/tabid/14352/Default.aspx>

Enforcement

The U.S. Departments of Labor (for ERISA-regulated health plans), Health and Human Services (for all other health plans), and Treasury (for tax penalties for noncompliance) will jointly enforce the law.

They will need to hear from you and others to do their job!

How's it Working?

We'd like to learn about your experiences with the new law – what's working and what's not. Here are some questions that we'd like to find out more about so that we can help inform members of Congress about whether or not the Wellstone-Domenici Act is making it possible for more people to get the help they need to recover.

- The name of your health plan
- The type of plan (group health plan, self-funded health plan)
- The state where the insurance was issued

How's it Working?

- Does the company you work for have more than 50 employees?
- Did your plan drop coverage that it previously offered for mental health and substance use treatment?
- Did your health plan improve coverage for mental health and substance use treatment?
- What specific problems are you experiencing in getting coverage for mental health and substance use treatment?
- Any other information that you think is important about your experiences

How's it Working? Report

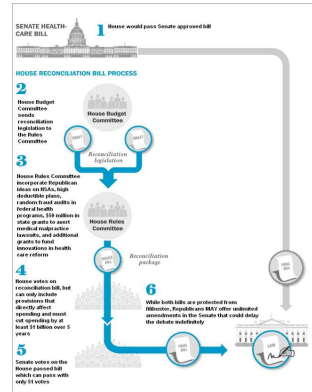
If you've been denied coverage, we'd like to know more about your experience. *Please use the information form to send Faces & Voices of Recovery the information below along with any supporting documentation.*

- Short summary and reason for denial
- Date of Service
- Health Plan Summary of Service (Please include MH/SU and Medical/Surgical)
- Explanation of Benefits
- Written reason for denial provided

National health care reform

- Dramatically different climate than in the 1993-1994 health care debate
- Inclusion of SUD/MH in Minimum Benefit Package
- Parity Requirement
- Reconciliation

The Road to the Oval Office



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Resources:

www.facesandvoicesofrecovery.org

www.mentalhealthparitywatch.org