



Bringing Wellness Home

Mental Health America News

February 4, 2010

Statement of Mental Health America on Regulations Implementing Wellstone-Domenici Mental Health Parity and Addiction Equity Act

[On January 29, the departments of Health and Human Services, Labor and the Treasury issued proposed regulation implementing the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. A statement on the regulations follows.]

Mental Health America applauds the release of the regulations implementing the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. We greatly appreciate all the thoughtful work that the staff and leaders of the three agencies charged with implementing this law put into developing these regulations. They clarify a number of key issues that will greatly help to ensure the intent of the parity law— to prohibit discriminatory treatment of mental health and substance use conditions—is fully realized and implemented.

These regulations clarify that the Wellstone-Domenici parity law prohibits plans from discriminating against mental health and substance use treatment in application of medical management, prescription formulary design, standards for provider admission into preferred provider network, determination of usual and customary amounts of care, and fail first or step therapy requirements. This clarification is extremely important since these discriminatory practices are widespread and pernicious. The regulations also underscore that obvious quantitative limits on treatment, like restrictive limits on number of visits, annual or lifetime caps, co-payments for service are clearly outlawed.

The regulations clarify that plans may not impose separate deductibles and financial restrictions on mental health and substance use services but must accumulate deductibles across medical treatments. Similarly, the regulations specify that mental health and substance use services cannot be treated as a special class of specialty services and managed differently than primary care treatments. Mental Health America has received reports that some plans are still imposing these kinds of separately accumulating limits on mental health and substance use care. We are pleased that the departments charged with implementing the law reiterate a clear requirement in the statute that hopefully will clear up any confusion in this regard.

Mental Health America's comments in response to the Request for Information issued by the three agencies last spring emphasized the importance of addressing these

issues in the regulations. We are very pleased to see these concerns were addressed in the regulations.

Mental Health America will be working with our over 300 affiliates to provide additional input on several outstanding issues for which the government has requested comment.

A fact sheet on the law can be viewed at

<http://www.mentalhealthamerica.net/paritynow/mhpaeafact.pdf>.