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June 6, 2019

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1117 Longworth HOB
Washington DC20510

The Honorable Donald Norcross
2437 Rayburn HOB
Washington DC, 20510

The Honorable Gus Bilirakis
2227 Rayburn House Office HOB
Washington DC, 20510

Dear Congresswoman Porter, Congressman Bilirakis and Congressman Norcross:

On behalf of the American Psychiatric Association (APA), the national medical specialty association representing over 38,500 psychiatric physicians, I want to thank you for your leadership in introducing the Mental Health Parity Compliance Act of 2019, to promote transparency and compliance with the Mental Health Parity and Addiction Equity Act (Federal parity law).

The National Institute of Mental Health estimates that 46.6 million Americans experienced a mental illness in 2017, of which 11.2 million are living with a serious mental illness. In the same year, an estimated 10.6 million adults had thoughts of suicide and an estimated 47,000 completed suicide. Annual deaths from opioid overdoses reached 70,000. Yet, more than ten years after enactment of the Federal parity law, the promise of fair and equitable coverage for mental health and substance use care has yet to be realized.

The Mental Health Parity Compliance Act will foster genuine parity coverage by requiring enhanced transparency and accountability by group health plans to ensure patients are receiving the benefits Congress intended when it passed the Federal parity law.

As you know, the Federal parity law requires that insurance coverage for mental health and substance use services be no more restrictive than coverage for medical or surgical services. However, compliance by health plans and insurers has been poor and there is a lack of transparency in how health plans are conducting analyses that compare the non-quantitative treatment limitations (NQTLs) for mental health and substance use services with those for medical and surgical services. This lack of transparency routinely results in the unequitable establishment and application of medical management tools such as prior-authorization, step-therapy or limiting clinically appropriate treatment for mental health disorders.

Your proposal establishes a process of transparency under the Federal parity law by requiring group health plans to perform comparative analyses of NQTLs for mental health and substance use services and submit those analyses to the Department of Labor, when complaints are filed against their treatment of these services. The legislation would also require the Secretary to request, at random, that 50 plans annually submit their comparative analyses in a standard approach to the Secretary. This provision of the legislation does not create or change the regulatory paradigm of the federal parity law for health plans. Instead, it fosters a system of transparency to guarantee health plans are performing the appropriate analyses they should be doing to ensure they are following the law.

In addition, the bill would promote accountability of group health plan coverage for mental health and substance use services by ensuring health plans perform the necessary comparative analyses to determine if mental health services are no more restrictive than medical or surgical. Under the legislation, if the Secretary concludes health plans have not provided the necessary information, then the Secretary will provide the plan with the guidance needed to reach compliance. Finally, the Secretary will provide to Congress an annual report of the Department's findings, based on the reviews it conducts.

This legislation is consistent with laws passed in several states that recognize the need for enhanced transparency and accountability in compliance with the Federal parity law. It is necessary since states have no authority to regulate group health plans that are overseen by the Department of Labor, which covers a majority of beneficiaries in the United States. This legislation will help to ensure that patients receive consistent, uniform parity protections whether they are insured by a federally regulated group plan or a plan regulated by state law.

The Federal parity law is a promise of fair and equitable coverage for those who need mental health and substance use services. With that promise yet to be realized, we commend you for your leadership in introducing legislation designed to make that promise a reality. We strongly support the Mental Health Parity Compliance Act and look forward to working with you to pass this important legislation.

Sincerely,

A handwritten signature in blue ink that reads "Saul Levin" followed by "MD, MPA" in smaller letters. There is a horizontal line under the name "Levin".

Saul Levin, MD, MPA, FRCP-E
CEO and Medical Director