Increase Access to Substance Use Treatment with Greater Enforcement of Parity Laws

The January 2022 Report to Congress issued by the Departments of Labor, Health and Human Services, and the Treasury on the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) documented what many addiction and mental health providers see each day in practice – full compliance with the law, and subsequent laws aimed to strengthen it, has not been achieved and there is a lack of parity between benefits for medical/surgical care and mental health/substance use disorder treatment. There are also significant gaps where certain types of health plans have been exempted from parity, with Medicare as a significant example.

MHPAEA requires that insurers’ financial requirements and limitations on mental health and addiction treatment services, such as deductibles and copayments, and prior and ongoing authorization requirements, not be more limiting or restrictive than those that are applied to medical and surgical benefits. Individuals denied coverage, treatment providers unable to obtain authorization to provide clinically necessary care, family members, and consumer organizations have been advocating for stricter enforcement.

The January 2022 Report discusses the departments’ efforts to interpret, implement and enforce the amendments to MHPAEA made by the Consolidated Appropriations Act 2021. It also called for proactive and rigorous enforcement of MHPAEA, including recommendations in three critical areas: enhanced enforcement authority to the Department of Labor (including civil monetary penalties) and Employee Benefits Security Administration; ensure the coverage of benefits for individuals; and require group health plans and health insurance issuers to further evidence compliance.

We call on Congress to strengthen behavioral health parity laws and remove exclusions for parity.

- Support the recommendations in the 2022 Report to Congress on MHPAEA issued by the Departments of Labor, Health and Human Services, and the Treasury.

- Cosponsor and support the Parity Enforcement Act (H.R. 1364), which would expand the Department of Labor’s authority to hold health insurers and plan sponsors accountable for practices that violate parity laws.

- Remove all exclusions and exceptions and require all health coverage to comply with parity law.