

# Parity and Addiction Equity Act Report to Congress Show Deficits in Benefits & Recommendations to Reverse the Deficits

By Cynthia Moreno Tuohy, BSW, NCAC II, CDC III, SAP, NAADAC Executive Director, and Julie Shroyer, MSW, President & CEO, Wheat Shroyer Government Relations, LLC

The January 2022 report issued by the Departments of Labor, Health and Human Services, and the Treasury to Congress 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 began saying soon after the passage of MHPAEA: there is a lack of parity in benefits.

MHPAEA requires that insurers' financial requirements and limits to mental health and addiction treatment services, such as copayments and prior authorization requirements, cannot be more limiting or restrictive than those that are applied to medical and surgical benefits. Clients denied coverage, treatment centers denied approval to admit patients or continue patients in clinically necessary care, and other individuals and organizations experiencing disparate treatment have been advocating for stricter enforcement. NAADAC has called attention to these issues to governmental agencies and Congress for years and advocated for more monitoring of insurance denials, transparency of denials to patients and treatment centers, and stakeholder input to learn about actual outcomes at various treatment levels.

The January 2022 report discusses the departments' efforts to interpret, implement and enforce the amendments to MHPAEA made by the Consolidated Appropriations Act 2021. This new enforcement tool has been developed along with funding to implement it. The law requires the departments to report annually on their efforts, and the January 2022 report is the first report under this requirement. The report also details the efforts to engage with stakeholders to raise awareness of these protections.

The January 2022 report noted that the Employee Benefits Security Administration (EBSA) and the U.S. Departments of Health and Human Services (HHS) "are committed to using all their available authority to ensure that individuals realize the full promise of MHPAEA, and

to ensure that Americans with MH/SUD coverage can access MH/SUD care that is not limited in any way that medical/surgical care is not," and that "this goal can only be achieved through proactive and rigorous enforcement of MHPAEA."

Ultimately, the Report issued recommendations based on three critical areas: "(1) recommendations intended to enhance enforcement, (2) recommendations designed to ensure the coverage of benefits for individuals, and (3) recommendations that would require group health plans and health insurance issuers to further evidence compliance." Specific recommendations included allowing the U.S. Department of Labor to assess civil monetary penalties for parity violations, granting EBSA the authority to directly pursue parity violations in certain circumstances, and permitting certain aggrieved parties the ability to recover amounts lost by participants and beneficiaries who wrongly had their claims denied. Additionally, the Report recommended that "Congress consider ways to permanently expand access to telehealth and remote care services, and that MHPAEA be amended to define mental health and substance use disorder benefits "in an objective and uniform manner pursuant to external benchmarks that are based in nationally recognized standards."

NAADAC supports the recommendations of the report, and will continue to advocate for the recommendations addressed in the report and work to bring stakeholders to the table to share their ongoing experiences with MHPAEA as the new enforcement guidelines are put into place.



*Cynthia Moreno Tuohy, BSW, NCAC II, CDC III, SAP, is the Executive Director of NAADAC, the Association for Addiction Professionals, and has worked as an addiction professional for 48 years. She has been a trainer in Domestic Violence/Anger Management and Conflict Resolution for over 30 years as well as an international, national, and state trainer. Moreno Tuohy is also a curriculum writer in addiction screening and evaluation, counseling methods, conflict resolution, co-occurring disorders, ethics, documentation, and medicated assisted treatment and recovery, and has written articles published in national and other trade magazines. Her book, *Rein in Your Brain; from Impulsivity to Thoughtful Living in Recovery*, was released May 2014 through Hazelden Publishers. She has served as President of NAADAC, Certification Board Commissioner, International Chair, Treasurer and Legislative Chair for NAADAC.*



*Julie Shroyer, MSW, has more than 32 years of federal health policy experience including service on Capitol Hill as committee staff and in senior positions in the non-profit and private sector. A respected advisor to congressional and presidential campaigns, she is sought after for her recognized expertise in health care and public policy. In late 2021, Shroyer helped launch Wheat Shroyer Government Relations as a public service-oriented advocacy organization. Shroyer is proud to serve as a Washington policy consultant to NAADAC and is dedicated to advancing support for addiction professionals and those in need of addiction treatment and recovery. She has a Bachelor of Social Work degree from Western Michigan University and a Master of Social Work degree from the University of Michigan.*