



For Information Contact:

Eve Herold, 703-907-8640

press@psych.org

Erin Connors, 703-907-8562

econnors@psych.org

April 11, 2013

Release No. 13-21

American Psychiatric Association and Others Seek Court's Intervention in Compelling Anthem and Wellpoint to End Alleged Discrimination Against Mental Health Patients

ARLINGTON, Va. (April 11, 2013) — The American Psychiatric Association, the Connecticut Psychiatric Society, the Connecticut Council of Child and Adolescent Psychiatry, and two individuals have [filed suit in the U.S District Court](#) in Connecticut against Anthem Health Plans, Inc. and its parent company, Wellpoint, Inc., alleging that the companies discriminate against mental health care patients in violation of the Mental Health Parity and Addiction Equity Act (MHPAEA), Connecticut parity law, and other state laws. The complaint seeks declaratory and injunctive relief that would declare that Anthem's conduct since January 1, 2013 is illegal and prohibit the Companies from continuing to discriminate against those with a mental illness.

MHPAEA prohibits group health plans and health insurance issuers from imposing financial requirements and treatment limitations on mental health and substance use disorder benefits that are not on par with, or equivalent to, requirements or limitations imposed on medical/surgical benefits. Connecticut's state mental health parity law requires that all plans offer mental health benefit and prohibits plans from establishing terms or conditions of benefits that place a greater burden on individuals seeking mental health benefits than on individuals seeking medical/surgical benefits.

According to the suit, Defendants have used recent changes in the CPT codes (Current Procedural Terminology) used by physicians for billing, as an excuse to reduce the fees paid to psychiatrists and to impose upon mental health patients greater burden and expense than it imposes upon patients seeking non-mental health care medical services. Anthem's rate manipulation allegedly discriminates against mental health patients because it would result in: (1) effectively precluding psychiatric patients from receiving psychotherapy from a psychiatrist in the same session as the patient is medically evaluated, thereby increasing the time burden and imposing additional copayment obligations on mental health patients; (2) up to a 93% greater financial burden on psychiatric patients who purchase and use out of network benefits; and (3) diminution of in network psychiatrists because the rates being offered to psychiatrists are approximately 20% lower than the rates paid to non-psychiatric physicians for medical evaluation and management services.

Plaintiffs allege that "this result is not distasteful to Defendants since Defendants' customers will not access care and Defendants will not have to pay for it. Indeed, appropriate payment for services, to the extent it increased, is an expense Defendants would have to deduct from their \$2.5 plus billion in net revenue" reported in 2012.

APA President, Dilip Jeste, M.D. commented that, "APA worked hard to ensure passage of MHPAEA so that mental health patients would not be deprived of treatment or stigmatized for seeking it. Anthem, Wellpoint companies and others throughout the U.S. need to start respecting the law and our members' patients and not directly or indirectly inhibit access to the treatment for which the patients and their employers have paid."

“Mental health parity was passed long ago at the federal level and in the state of Connecticut,” said Carolyn Drazinic, M.D., Ph.D., President-elect, Connecticut Psychiatric Society. “Insurance companies have had plenty of time to comply. The time has come to enforce the Mental Health Parity and Addiction Equity Act. All patients should receive the same benefits for mental health services as for medical services, without discrimination.”

Brian Keyes, M.D., President, Connecticut Council of Child and Adolescent Psychiatry, added that, “Equal coverage for treatment of mental health problems in children and their families is legally required federally and within Connecticut. The failure of insurance companies to cover the same range of treatments of mental illness as they would for physical illness is both illegal and unethical. True mental health parity must be enforced.”

The American Psychiatric Association is a national medical specialty society whose physician members specialize in diagnosis, treatment, prevention, and research of mental illnesses including substance use disorders. Visit the APA at www.psychiatry.org.

The Connecticut Psychiatric Society, a District Branch of the American Psychiatric Association, represents approximately 750 psychiatrists in the state of Connecticut

The Connecticut Council of Child and Adolescent Psychiatry (CCCAP) is a membership organization of the nearly 300 child and adolescent psychiatrists who care for the mental health needs of the children and their families in the state of Connecticut.

###