

Federal Mental Health Parity Legislation:

The objective of the Paul Wellstone and Pete Domenici Mental Health Parity and Addictions Equity Act of 2008 is to require insurance coverage and administration that is equal to, but not superior to, other medical conditions such as cancer, diabetes or heart disease. It can be seen as an important step toward the greater goal of ensuring that persons with a mental illness have the same opportunities in their quest for receiving appropriate treatment as do those with a physical illness and a step towards ending discrimination against consumers seeking treatment for mental illness.

This act, included as an amendment to the Emergency Economic Stabilization Act of 2008 signed by President Bush On October 3, amends the Mental Health Parity Act of 1996. Some major points of the act are as follows:

- Requires that a group health plan of 50 or more employees that provides both medical and surgical benefits and mental health or substance use benefits ensure that financial requirements/treatment limitations applicable to mental health/substance use disorder benefits are no more restrictive than those requirements and limitations placed on medical/surgical benefits.
- Equity coverage will apply to all financial requirements, including deductibles, copayments, coinsurance, and out-of-pocket expenses, and to all treatment limitations, including frequency of treatment, number of visits, days of coverage, or other similar limits.
- A plan may not apply separate cost sharing requirements or treatment limitations to mental health and substance use disorder benefits.
- If a plan offers two or more benefit packages, the requirements of this Act will be applied separately to each package.
- Mental health or substance use benefit coverage is not mandated. However, if a plan offers such coverage, it must be provided at parity in accordance with this Act.
- Out-Of-Network Benefits-A group health plan (or coverage) that provides out-of-network coverage for medical/surgical benefits must also provide out-of-network coverage, at parity, for mental health/substance use disorder benefits.
- Preservation of State Law-The current HIPAA preemption standard applies. This means stronger State parity and other consumer protection laws remain in place.

(Information from the 2009 Kansas Mental Health Coalition Mental Health Parity policy paper.)