

where we **STAND**



# Final Regulations Implementing the Federal Parity Law

## NAMI's Position

NAMI's public policy platform supports health care for all persons with mental illness that is affordable, nondiscriminatory and includes coverage for the most effective and appropriate treatment. NAMI supports equal access to affordable health care for every American.

NAMI supports mandatory coverage and full parity for mental illness that is equal in scope and duration to coverage for other illnesses. While NAMI's platform supports "federally mandated, minimum standards for health insurance coverage, federal standards must not pre-empt state laws that provide higher standards."

All insurance plans, public or private, must provide mental health coverage on par with their coverage of other health conditions.

NAMI's full [Public Policy Platform](http://nami.org/policy) on parity is available at [nami.org/policy](http://nami.org/policy).

## Overview

NAMI worked to ensure passage of the federal parity law in 2008. This landmark law requires equal coverage for mental health and substance abuse treatment in all group health plans sponsored by employers with 50 or more workers.

Even though the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act was signed into law in 2008, final regulations implementing the law have still not been issued. On January 16, 2013, President Obama declared his intention for the Administration to issue a final regulation. These final regulations are needed in order to ensure that:

- Group health plans once and for all remove discriminatory limits on inpatient and outpatient mental illness treatment services and establish equal financial requirements such as deductibles, cost sharing and out-of-pocket limits in their policies;
- Non-Quantitative Treatment Limits (NQTLs) such as a prospective and retrospective utilization review that are inequitably applied only to mental illness treatment services are ended; and
- The "scope of services" for covered mental health treatments are equal to those for medical-surgical coverage, including rehabilitative services and residential treatment.

The Affordable Care Act of 2010 contains an important expansion of the federal parity law by requiring that all health plans marketed through the Health Insurance Exchanges that will offer expanded coverage options for the uninsured, underinsured and small businesses comply with the federal parity law. This will go a long way toward eliminating the exemptions in the federal parity law for the individual and small group markets.

## **Advocacy Priorities and Goals**

- Issue final federal regulations for the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act.
- Ensure assertive enforcement by the U.S. Departments of Labor and Health and Human Services and state insurance commissioners.
- Enforce the federal parity requirement for all health plans sold through state, federal or partnership Health Insurance Exchanges.

— March 2013