

# United States Senate

WASHINGTON, DC 20510

October 15, 2015

The Honorable Sylvia Mathews Burwell  
Secretary  
United States Department of Health & Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

The Honorable Thomas E. Perez  
Secretary  
United States Department of Labor  
200 Constitution Avenue, NW  
Washington, D.C. 20210

Dear Secretary Burwell and Secretary Perez,

We are writing to urge you to take immediate and overdue action to implement and enforce the Mental Health Parity and Addiction Equity Act (MHPAEA).

It has now been over 7 years since MHPAEA was passed and signed into law by President Bush. This important legislation was enacted to ensure that health insurance plans cover behavioral and physical health equally. However, parity is still not a reality for individuals living with mental illness and addiction today. Our constituents from across the country continue to report denials of care and great difficulties in accessing substance use and mental health disorder treatment and services.

One of the primary complaints we receive is the failure of health plans to disclose how they make coverage decisions. As you know, consumers and providers have the right to request information on medical management practices and criteria from their health insurance plans for both behavioral and medical and surgical care. Without this information, it is impossible to determine if the plan is in compliance with the law or if a parity violation has occurred. Yet, consumers and providers report that plans routinely refuse to give this information or simply refer consumers to a website or provide a general statement that lacks specificity with respect to how criteria are applied to both medical and surgical and behavioral health.

As your agencies are chiefly responsible for the implementation and enforcement of MHPAEA, we request that you report to us on the following:

- 1) How many audits has your Department conducted to determine compliance with MHPAEA? What were the results of those audits? Will de-identified results of the audits be made available on your website? If audits have not been conducted, will your Agencies be conducting them in the future?
- 2) Does your Department plan to issue additional parity guidance to health plans and issuers on what documents and analyses they must conduct and disclose in order to demonstrate compliance with MHPAEA? If so, by what date?

3) When will Medicaid parity final regulations be released? When will enforcement for parity under Medicaid and the Children's Health Insurance Program begin?

We look forward to working together to ensure individuals in and seeking recovery from substance use and mental health disorders can access the benefits promised to them under the law. Please have your staff contact our staff with any questions. Thank you very much for your attention to this matter.

Sincerely,



Christopher S. Murphy  
United States Senator



Kelly Ayotte  
United States Senator



John Barrasso  
United States Senator



Richard Blumenthal  
United States Senator



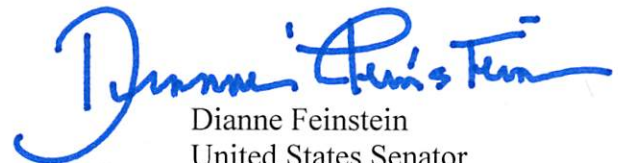
Sherrod Brown  
United States Senator



Christopher A. Coons  
United States Senator



Joe Donnelly  
United States Senator



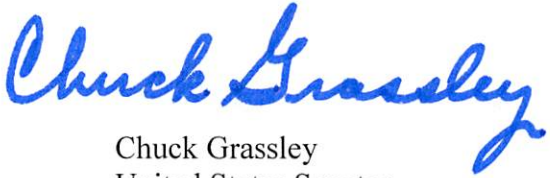
Dianne Feinstein  
United States Senator



Al Franken  
United States Senator



Kirsten Gillibrand  
United States Senator



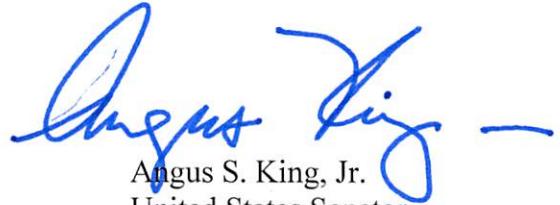
Chuck Grassley  
United States Senator



Heidi Heitkamp  
United States Senator



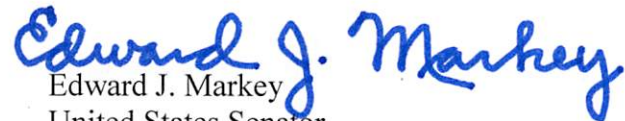
Tim Kaine  
United States Senator



Angus S. King, Jr.  
United States Senator



Amy Klobuchar  
United States Senator



Edward J. Markey  
United States Senator



Robert Menendez  
United States Senator



Jeff Merkley  
United States Senator



Barbara A. Mikulski  
United States Senator



Rob Portman  
United States Senator



Jack Reed  
United States Senator



Bernard Sanders  
United States Senator



Mark R. Warner  
United States Senator



Sheldon Whitehouse  
United States Senator