

# United States Senate

WASHINGTON, DC 20510

May 8, 2015

The Honorable Sylvia Mathews Burwell  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Burwell:

We are writing to ask that you increase consumer protections for patients seeking coverage for mental health and substance use services and treatments. Under current law, most large and small group and individual health plans are required to provide equal coverage for medical/surgical procedures and mental health and substance use disorder services.<sup>1</sup> Parity for mental health and substance use coverage is essential to ensuring that all Americans living with mental health and substance use conditions are able to access services and supports they require. However, it has come to our attention that many Americans still have health plans that create additional barriers to accessing mental health and substance use disorder services and that insurers have not been providing necessary details about the providers and services that are offered in-network for mental health and substance use disorder services. We therefore ask you to issue guidance to remedy these coverage gaps for the 2016 plan year.

A recent study from the National Alliance of Mental Illness reported that nearly one-third of respondents surveyed has or has a family member that has been denied mental health care despite those services being medically necessary.<sup>2</sup> Additionally, the study found enrollees are unable to access mental health and substance use disorder provider lists prior to purchasing a plan. Moreover, the study indicated consumers do not have the information they need to make informed decisions about which health plans to select because the insurers fail to provide clear information about the mental health and substance use disorder benefits covered by each plan during the open enrollment period.

We encourage HHS to proactively take steps to ensure that qualified health plan issuers on the Federal Marketplace make public an accurate, up-to date list of mental health providers participating in a plan's network. We believe that this should include information on the

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<sup>1</sup> The Federal Register Vol. 78, No. 219." *U.S. Government Publishing Office*. U.S. Government Publishing Office, 13 Nov. 2013. Web. 14 Apr. 2015. <<http://www.gpo.gov/fdsys/pkg/FR-2013-11-13/pdf/2013-27086.pdf>>.

<sup>2</sup> "A Long Road Ahead: Achieving True Parity in Mental Health and Substance Use Care." *National Alliance on Mental Illness*. National Alliance on Mental Illness, 1 Apr. 2015. Web. 14 Apr. 2015. <<https://www.nami.org/About-NAMI/Publications-Reports/Public-Policy-Reports/A-Long-Road-Ahead/2015-A-Long-Road-Ahead.pdf>>

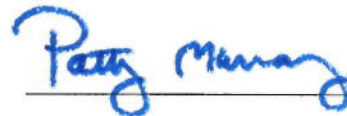
provider's specialty, languages the provider speaks, and a provider's capacity to accept new patients. We also urge you to ensure that mental health and substance use disorder benefits, including clinical criteria used in prior authorization, are clearly itemized in a plan's summary of benefits and coverage published prior to the open enrollment period. Finally, we believe that qualified health plans should be required to provide an explanation of benefits that includes any clinical criteria used to approve or deny mental health and substance use treatment benefits. Publicizing this information will allow Marketplace enrollees to select a plan with a provider network that meets their needs and to take advantage of the appropriate appeals process when claims are denied. It will also allow them to compare plans in a more meaningful way before selecting a plan during open enrollment.

We look forward to working together with you on implementing these ideas and others that will better inform enrollees. Please have your staff contact our staff with any questions. Thank you very much for your attention to this matter.

Sincerely,

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RICHARD BLUMENTHAL  
United States Senate




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PATTY MURRAY  
United States Senate



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AL FRANKEN  
United States Senate



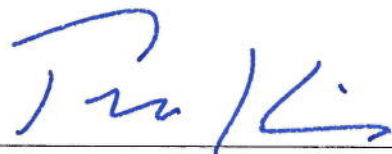
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SHERROD BROWN  
United States Senate



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EDWARD J. MARKEY  
United States Senate



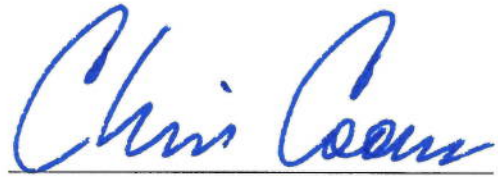
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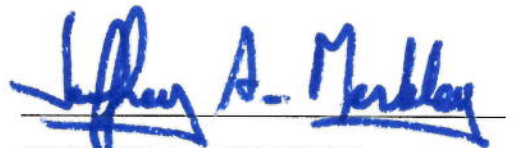
TAMMY BALDWIN

United States Senate



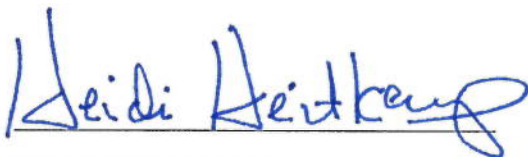
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