Congress of the United States Washington, DC 20515

September 23, 2009

The Honorable Hilda Solis Secretary U.S. Department of Labor 200 Constitution Ave, NW Washington, DC 20210 The Honorable Timothy Geithner Secretary U.S. Department of the Treasury 1500 Pennsylvania Ave, NW Washington, DC 20220

The Honorable Kathleen Sebelius Secretary U.S. Department of Health and Human Services 200 Independence Ave, SW Washington, DC 20201

Dear Secretaries Solis, Sebelius and Geithner:

We are writing to urge issuance of regulations to implement the *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008*. Enacted on October 3, 2008, this landmark civil rights legislation will ensure that individuals and families who have mental health and substance use disorders will receive health care on par with other medical conditions covered under group health insurance.

The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 requires the issuance of regulations by October 3, 2009. With or without regulations, the effective date is the beginning of the plan year, one year after date of enactment of the parity law. For most plans, this means the effective date is January 1, 2010. To avoid misinterpretation of the law and to ensure access to critical mental health and substance use disorder services, we hope you will issue timely and specific regulations in accordance with Congressional intent.

During the public comment period on the Request for Information, over 400 comments were filed. The wide range of comments received make clear the need for specific and timely direction from the agencies to ensure that our citizens receive the mental health and substance use disorder services for which we fought. Allowing the law to go into effect without this leadership would increase the likelihood that access to this critical care may be hindered or delayed. Additionally, any large scale changes to our national health care system should have a clear benchmark of strong mental health parity regulations to which we can refer in order to avoid future barriers to life-saving care. I trust that we share the desire to ensure that does not occur.

Congress carefully considered mental health parity legislation for over twelve years prior to its enactment, and we are hopeful that the promulgated regulations will clearly reflect Congressional intent, especially on several important issues:

• Scope of services: It is the intent of this legislation that patients have access to the full scope of services, medically-appropriate for their condition. Regulations should clarify

that patients have access to the full scope of services for mental health and substance use disorders which are medically-appropriate.

- Medical management: It is the intent of this legislation that plans retain the right to medically manage mental health and substance use disorder benefits, so long as the medical management criteria, including application of scientific research criteria, is no more restrictive than for medical/surgical benefits;
- "Separate but equal" is not parity: Separate deductable caps for medical/surgical benefits and mental provides present a significant barrier to treatment, is discriminatory and should be prohibited;
- Treatment limitations: The refusal of plans to reimburse medically appropriate mental health/substance use disorder treatments is a violation of the "treatment limitations "definition as stated in the Wellstone Domenici Act and should be prohibited; and,
- Timely implementation: Timely implementation of the regulations is critical to avoid continued health discrimination of those with mental health and substance use disorders.

We are hopeful we can work with you on the implementation of these regulations. As the law requires issuance of regulations by October 3, 2009, please provide us with an update on the status of the promulgation of these regulations by October 9, 2009. Thank you for your time and attention to this matter and our request.

Sincerely,

Patrick J. Kennedy Member of Congress

Member of Congres

ris Murphy

Member of Congress

Member of Congress

hakowsky

er of Congress Mem

Member of Congress

David Wu Member of Congress Member of Congress Sander Levin Donna F. Edwards Member of Congress Member of Congress Marcy Kaptur (Member of Congress Member of Congress Chris Van Hollen Member of Congress Member of Congress

Raul M. Grijalva Member of Congress	John Lewis John Lewis Member of Congress
Carol Shea- Porter Member of Congress	Steve Cohen Member of Congress
Bruce Braley Member of Congress	Michael H. Michael Michael H. Michael Member of Congress
Edward J. Markey Member of Congress	Paul Tonko Member of Congress
John Sullivan Member of Congress	John Sarbanes Member of Congress
Vernon J. Ehlers Member of Congress	Allyson Schwartz Member of Congress
Bill Pascrell J. Bill Pascrell Member of Congress	Anthony Weiner Member of Congress
Shelley Derley Shelley Berkley Member of Congress	Mary Bono Mek Member of Congress

(

Dors O. Mataii Doris O. Matsui Joe Courtney Member of Congress Member of Congress Brian Baird Mike Doyle Member of Congress Member of Congress Member of Congress Member of Congress Barney Frank Anna Eshoo Member of Congress Member of Congress Rosa L. DeLauro Member of Congress Member of Congress Member of Congress Member Grace Napolitano Member of Congress

Member of Congr

Member of Congress

Lloyd Doggett Member of Congress	Took L Platts Todd Russell Platts Member of Congress Attur F. Turry
Lee Terri Member of Congress Olde E. (Cilvelander)	John Tierney Member of Congress Betty Sutton
Dale E. Kildee Member of Congress Rush Holt Member of Congress	Betty Sutton Member of Congress Donna Christensen Member of Congress
Bobby Scott Member of Congress	Ron Klein Member of Congress
Tim Murphy Member of Congress	Jason Altmire Member of Congress
Danny Davis Member of Congress	Mary Jo Kilroy Member of Congress
Diana DeGette Member of Congress	Charles A. Gonzalez Member of Congress

. 4

.

Gene Green

Gene Green
Member of Congress

Linda T. Sánchez Member of Congress

Steve Israel

Member of Congress