

June 18, 2019

The Honorable Donald Norcross  
Vice-Chair, Bipartisan Addiction Task Force  
2437 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Norcross:

The Mental Health Liaison Group (MHLG)- a coalition of national organizations representing consumers, family members, mental health and addiction providers, advocates, and other stakeholders- is writing to express our strong support for the Parity Enforcement Act (H.R. 2848), which would give the U.S. Department of Labor (USDOL) a critical tool to ensure health plan compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Federal Parity Act).

Under current law, USDOL lacks the ability to assess civil monetary penalties against health issuers and plan sponsors for violations of the Federal Parity Act, which requires insurers to cover illnesses of the brain, such as depression or opioid use disorder, no more restrictively than illnesses of the body, such as diabetes or cancer. Without this power, USDOL can only require plans to reimburse consumers for wrongly denied coverage of care that was nevertheless provided. Such meager authority is not enough and is unlikely to change plans' coverage practices. USDOL must finally be able to hold plan issuers and sponsors accountable for illegal denials of mental health and substance use coverage more than 10 years after enactment of the Federal Parity Act.

H.R. 2848 corrects this major gap in USDOL's oversight authority by amending the Employee Retirement Income Security Act (ERISA) to give USDOL the authority to levy civil monetary penalties against health insurers and plan sponsors for parity violations. The provisions are identical to USDOL's existing civil monetary penalty authority for violations of the Genetic Information Non-Discrimination Act. H.R. 2848 also includes safe harbor provisions to protect issuers and sponsors that are exercising "reasonable diligence" to comply with the Parity Act and that correct violations within 30 days of becoming known (or would have been known with reasonable diligence).

The need to give USDOL this authority for parity violations is widely recognized. President Trump's Commission on Combating Drug Addiction and the Opioid Crisis recommended providing this authority<sup>1</sup>, as did President Obama's Mental Health

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<sup>1</sup> Recommendation 35 of The President's Commission on Combating Drug Addiction and the Opioid Crisis, November 2017,

and Substance Use Disorders Parity Task Force.<sup>2</sup> In fact, Governor Chris Christie, chair of the Commission, stated that the authority is “absolutely necessary” and that the Commission “unequivocally” supported Congressional action to give USDOL the authority to issue penalties.<sup>3</sup> Secretary Alexander Acosta has also expressed his support for USDOL having this authority on several occasions, including most recently on May 1, 2019 when testifying before the House Education and Labor Committee.<sup>4</sup>

The MHLG thanks you for introducing this critical legislation that will increase compliance with the Federal Parity Act and, ultimately, increase access to life-saving mental health and substance use disorder care.

Sincerely,

2020 Mom

American Academy of Child and Adolescent Psychiatry  
American Art Therapy Association  
American Association for Marriage and Family Therapy  
American Association for Psychoanalysis in Clinical Social Work  
American Association on Health and Disability  
American Counseling Association  
American Foundation for Suicide Prevention  
American Group Psychotherapy Association  
American Nurses Association  
American Occupational Therapy Association  
American Psychological Association  
American Society of Addiction Medicine  
Association for Ambulatory Behavioral Healthcare  
Association for Behavioral and Cognitive Therapies  
Campaign for Trauma-Informed Policy and Practice

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[https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Final\\_Report\\_Draft\\_11-15-2017.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Final_Report_Draft_11-15-2017.pdf).

<sup>2</sup> Final Report of The Mental Health & Substance Use Disorder Parity Task Force, October 2016, <https://www.hhs.gov/sites/default/files/mental-health-substance-use-disorder-parity-task-force-final-report.PDF>.

<sup>3</sup> November 1, 2017 Meeting of the President’s Commission on Combating Drug Addiction and the Opioid Crisis, [https://www.youtube.com/watch?v=uO\\_wF92ebsc](https://www.youtube.com/watch?v=uO_wF92ebsc).

<sup>4</sup> U.S. Department of Labor Secretary Alexander Acosta testified that civil monetary penalty authority would be helpful to the Department’s enforcement efforts both before the President Trump’s Commission on Combating Drug Addiction and the Opioid Crisis on October 20, 2017 (<https://www.youtube.com/watch?v=Jwu2LOVXB1g>) and again before the House of Representatives Education and Labor Committee on May 1, 2019 (<https://www.youtube.com/watch?v=GnK2GYHaVz8&feature=youtu.be>).

Children and Adults with Attention-Deficit Hyperactivity Disorder  
Clinical Social Work Association  
Depression and Bipolar Support Alliance  
Eating Disorders Coalition for Research, Policy & Action  
EMDR International Association  
Global Alliance for Behavioral Health and Social Justice  
Legal Action Center  
Mental Health America  
NAADAC, the Association for Addiction Professionals  
National Alliance on Mental Illness  
National Alliance to Advance Adolescent Health  
National Association for Behavioral Healthcare  
National Association for Children's Behavioral Health  
National Association of County Behavioral Health and Developmental Disability  
Directors  
National Association of Rural Mental Health  
National Association of Social Workers  
National Association of State Mental Health Program Directors  
National Council for Behavioral Health  
National Eating Disorders Association  
National Federation of Families for Children's Mental Health  
National Register of Health Service Psychologists  
Psychotherapy Action Network  
Schizophrenia and Related Disorders Alliance of America  
SMART Recovery  
The Kennedy Forum  
Tourette Association of America  
Treatment Communities of America  
Trust for America's Health