

## An Urgent Matter of Access: Pursuing Parity Amid the Greatest Public Health Crisis of Our Time

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## 10 Years After the Mental Health Parity and Addiction Equity Act



**Where Do We Stand?**

## State Parity Progress: Leaders

Illinois

Rhode  
Island

Delaware

Colorado

New York

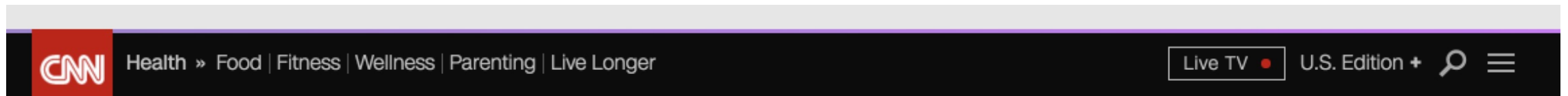
Connecticut

New Jersey

Missouri

Texas

## Life Expectancy Continues to Drop



Drug overdoses, suicides cause drop in 2017 US life expectancy; CDC director calls it a 'wakeup call'

## Landmark Legal Decision:

- *Wit v. United Behavioral Health* (UBH)
- UBH is the largest managed behavioral health care company in the country.

4	UNITED STATES DISTRICT COURT	
5	NORTHERN DISTRICT OF CALIFORNIA	
6		
7	DAVID WIT, et al.,	Case No. 14-cv-02346-JCS
8	Plaintiffs,	Related Case No. 14-cv-05337 JCS
9	v.	
10	UNITED BEHAVIORAL HEALTH,	<b>FINDINGS OF FACT AND</b>
11	Defendant.	<b>CONCLUSIONS OF LAW</b>
12	GARY ALEXANDER, et al.,	<b>REDACTED</b>
13	Plaintiffs,	
14	v.	
15	UNITED BEHAVIORAL HEALTH,	
16	Defendant.	
17		
18		

## *Wit v. UBH* – Case Details

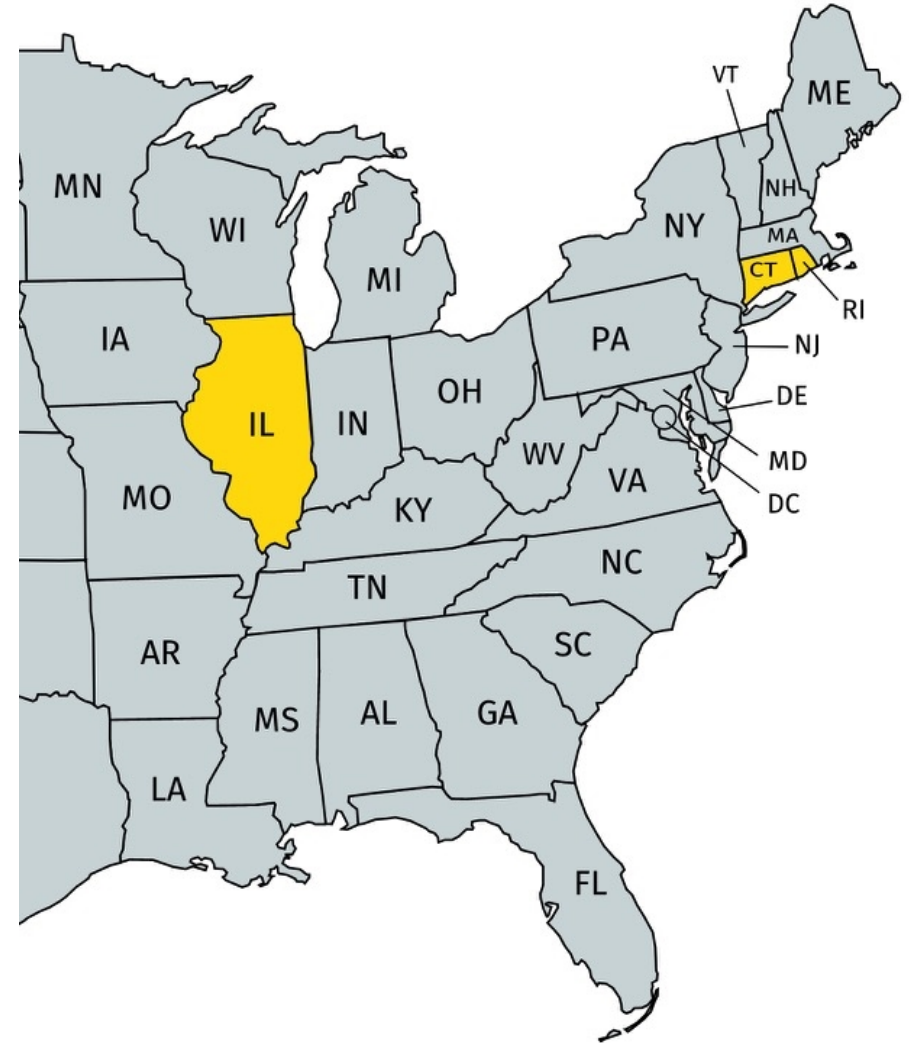
- 11 plaintiffs representing over 50,000 patients.
- UBH used **defective internally-developed criteria** to reject coverage for mental health and addiction treatment services.
  - Inconsistent with generally accepted standards of behavioral health care.
  - Wrongly influenced by a financial incentive to suppress costs.
- Case filed under the Employee Retirement Income Security Act (ERISA) of 1974 – a federal law that governs health insurance policies issued by private employers.

## *Wit v. UBH* – Case Details

- Court stated that under generally accepted standards of care, chronic and co-existing conditions should be effectively treated, including when those conditions persist.
- UBH's criteria:
  - Were intended to approve coverage solely for “acute” episodes or crises.
  - Improperly required reducing the level of care, e.g., removing the patient from residential treatment to some form of outpatient therapy, even if the provider believed recommended higher level of care.

## *Wit v. UBH* – Case Details

- UBH failed to follow specific guidelines mandated by certain states for evaluating the medical necessity of behavioral health services.
- Connecticut, Illinois, and Rhode Island require criteria consistent with American Society of Addiction Medicine (ASAM) standards.



**Don't  
deny me...**

***the ability to sustain  
long-term recovery***

**DontDenyMe.org**

## [www.DontDenyMe.org](http://www.DontDenyMe.org)

- A first-of-its-kind consumer and provider action campaign to empower American families to fight back against illegal insurance denials of mental health and substance use disorder treatment services.
- Designed to spark a movement that pressures elected officials, insurance commissioners, and attorneys general to enforce parity laws.
- 23 national partner organizations.

## Consumer Resources

- Fact sheet and infographic teach consumers about rights under the Federal Parity Law.
- Site connects consumers with resources for learning to file appeals and registering complaints against health plans.
- Site connects consumers with social media toolkit to spread the word and empower others.



## Provider Resources

**GOAL:** Educate providers and encourage them to display Don't Deny Me brochures and posters in patient settings.



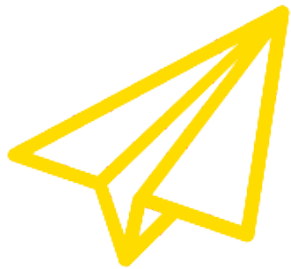
## *Wit* Ruling: What's Next?

**Enforce the  
Federal Parity  
Law NOW!**

- **State-level Outreach**
  - Attorneys General
  - Insurance Commissioners
  - Regulators
- **Congressional Outreach**
  - House Speaker
  - Senate Majority
  - Committee Leaders

## We Need Your Help!

Have a contact at your state AG office?



Please submit through [DontDenyMe.org](https://DontDenyMe.org)  
or email [David@TheKennedyForum.org](mailto:David@TheKennedyForum.org)

## Employer Notification

- Employers that self-fund health plans and hire an administrator such as UBH share a fiduciary responsibility to ensure plan compliance with the Federal Parity Law.
- Advocates are encouraged to send letters alerting employers of the *Wit* decision and its implications – template available on [DontDenyMe.org](https://DontDenyMe.org).

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