

## Feb. 4, 2022: Advocacy Update spotlight on insurers' parity failures

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### AMA asks Congress to hold insurers accountable for nearly 15 years of parity failures

With Congress holding hearings this week on the growing mental health crisis, the AMA is urging (PDF) congressional leaders to take steps to address nearly 15 years of repeated failures by health insurance companies to comply with the landmark mental health and substance use disorder parity law.

The Senate HELP Committee and the House Ways and Means Committee are examining how to help patients with a mental illness given health plans' repeated noncompliance. A recent report to Congress from the departments of Labor, Health and Human Services and Treasury found that insurers' parity violations have continued and become more serious since the law was enacted more than a decade ago. The report found widespread violations affecting patients with autism, eating disorders and substance use disorders—violations that led to delays and denials of care, patient harm and likely avoidable deaths.

“This report underscores two simple facts: insurers will not change their behaviors without increased enforcement and accountability, and patients will continue to suffer until that happens,” according to the letter from AMA CEO James L. Madara, MD (PDF).

The AMA agrees with many of the policy recommendations in the congressional report pertaining to the mental health parity law, including:

1. Granting the Labor Department the authority to assess civil monetary penalties for parity violations and pursue noncompliance facilitated by third-party administrators.
2. Enabling plan participants and beneficiaries to recover financial losses associated with improper claims denials stemming from violations of the law.
3. Requiring plans to conduct prospective health benefit analyses for parity compliance.
4. Permanently expanding access to telehealth.

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