

# Have health insurance companies made it hard for your clients or community to access mental health or addiction treatment services?

*Advocates and community organizations can help people fight back when insurance plans deny services or have unequal coverage.*



**What Is “Parity”?** Federal and state parity laws require health plans to cover illnesses of the brain, such as depression or substance use disorder, in the same way they cover illnesses of the body, such as diabetes and cancer. It is against the law for health plans to make it harder for people to access mental health services and addiction treatment than other types of health care.

Congress passed the federal parity law – the Mental Health Parity and Addiction Equity Act – in 2008. The Texas Legislature passed the Texas parity law in 2017.



## Parity Violations Still Happen. Learn How To Spot Them.

Despite parity protections on the books, Texans often face more difficulty getting behavioral health care than they do accessing other medical care. Parity violations take many forms. If a health plan imposes any of the barriers below, but doesn't put similar limits on medical services, it may be breaking the law:

- People have to frequently get their health plan's permission (“prior authorization”) to start or continue with mental health or addiction treatment.
- People must try a less expensive treatment or medication before their health plan will cover the treatment recommended by their doctor or care provider.
- The health plan caps the number of counseling visits allowed, or number of days people can stay at a treatment facility each year.
- The health plan has no in-network mental health or substance-use disorder providers who accept new patients, or who are within a reasonable distance.
- People have to pay more out-of-pocket for prescription medicines to treat mental health or addiction disorders than for other medications.

### Parity applies to most health coverage.

Plans **not** subject to parity protections in law include:

- TRICARE
- Medicare
- “grandfathered” and “transitional” plans from a small employer in place before January 1, 2014
- state government, local government, or church-sponsored plans that opted-out of parity protections

ONLINE VERSION AVAILABLE:

[bit.ly/parity-cppp](http://bit.ly/parity-cppp)

Parity laws do not require that health insurance plans actually cover mental health and addiction treatments. But, if plans do include these benefits, parity laws require that the coverage be comparable to coverage for other medical care.

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## Advocates and community organizations can help improve access.

Advocates and community organizations can help Texans access care on an equal basis. Here's how.

### Empower Consumers

Help the people in your community learn about and exercise their parity rights. CPPP has a simple parity fact sheet and a sample complaint letter at: <http://bettertexasblog.org/wp-content/uploads/2019/05/Sample-Parity-Complaint-Letter.pdf>.

You can also refer people who encounter barriers to the Texas Ombudsman for Behavioral Health. The office helps consumers understand and exercise parity rights and file complaints: 1-800-252-8154 or go to: <https://hhs.texas.gov/about-hhs/your-rights/office-ombudsman/hhs-ombudsman-behavioral-health-help>.

### File a Complaint

Texans struggling to get needed treatment may not feel empowered to file complaints when insurance companies break the law. Complaints to agencies that oversee health insurance companies are critical. They help agencies find and fix system-wide practices that violate parity laws. Meaningful enforcement of parity won't happen until we speak out about suspected parity violations.

Advocates, case managers, enrollment assisters, family members, etc. can register a complaint on behalf of a consumer, with the consumer's authorization. You can file a complaint in about 10 minutes. Many different agencies are responsible for enforcing parity laws. You can find a simple guide to help you write a complaint and send it to the right agency at: <http://bettertexasblog.org/wp-content/uploads/2019/05/Sample-Parity-Complaint-Letter.pdf>.

### Improve the System

There are many ways to add your voice to the workgroups and coalitions that are working to strengthen parity enforcement in Texas and the U.S.:

- **Don't Deny Me campaign.** Don't Deny Me is a national campaign designed to spark a consumer-driven movement to demand enforcement of parity rights and laws. [www.DontDenyMe.org](http://www.DontDenyMe.org)
- **Mental Health Condition and Substance Use Disorder Parity Workgroup.** The Texas parity law created this workgroup, and it is facilitated by the Texas Health and Human Services Commission. The workgroup is tasked with developing a state strategy for achieving compliance with parity laws. Meetings are open to the public. To get on the workgroup's distribution list, *email Soila.Villarreal@hhsc.state.tx.us*.
- **Texas Coalition for Healthy Minds.** This coalition brings together diverse organizations that seek to improve mental health and substance use disorder care in Texas. The coalition was a driving force behind Texas' parity law and monitors its implementation. <http://www.coalitionhealthyminds.org/>

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