

April 23, 2018

The Honorable Lamar Alexander
Chairman
Senate Health, Education, Labor,
and Pensions Committee
428 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Senate Health, Education, Labor
and Pensions Committee
428 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Alexander and Senator Murray,

As the Senate Health, Education, Labor and Pensions (HELP) Committee undertakes formal consideration of the *Opioid Crisis Response Act* (S 2680), the undersigned organizations are writing to urge that provisions to give the Department of Labor (DOL) additional enforcement authorities over the *Mental Health Parity and Addiction Equity Act* (MHPAEA) be included in this important legislation.

This year marks the 10th anniversary since Congress passed and President Bush signed MHPAEA into law. Unfortunately, while MHPAEA expanded access to mental health and substance use disorder treatment, over the last decade the twin epidemics of opioid misuse and overdose and suicide have and continue to take a terrible toll on our nation. Despite MHPAEA, patients continue to experience limited or discriminatory access to their substance use and mental health treatment benefits and these barriers may be contributing to the rising death rates.

As the HELP Committee considers the *Opioid Crisis Response Act*, we request that the Committee include provisions recommended by the President's Commission on Combatting Drug Addiction and the Opioid Crisis' [Final Report](#) to give DOL enhanced enforcement authority over MHPAEA. This authority is important to ensuring that Americans can access the treatment benefits promised to them under the parity law. Specifically, the Commission recommended, "Because the Department of Labor (DOL) regulates health care coverage provided by many large employers, **the Commission recommends that Congress provide DOL increased authority to levy monetary penalties on insurers and funders, and permit DOL to launch investigations of health insurers independently for parity violations.**"

As the Commission's report noted, "while parity is a legal requirement, the existing means of monitoring and enforcing the parity act are insufficient. The sole means of enforcement under the parity act is equitable relief against the buyer of the insurance plan; and for the employer-based plans that are self-funding, DOL is presently permitted to enforce MHPAEA against only the employer, rather than the insurance company administering the benefits."

We do not believe it was Congress' intent to limit DOL's enforcement authority to only the self-funded employer when an insurance company is administering the employer's benefits. Providing DOL with the authority to levy monetary penalties on insurers and funders and launch investigations into health insurers for parity violations will ensure that all parties are held accountable for providing equitable coverage of mental health and substance use disorder treatment benefits consistent with MHPAEA.

We thank you for the Committee's long-standing commitment to the enactment and enforcement of the *Mental Health Parity and Addiction Equity Act*. We would be pleased to discuss these recommendations with you in greater detail and stand ready to serve as a resource to you. We thank you for your consideration and urge the inclusion of this enhanced MHPAEA enforcement authority for the Department of Labor in the *Opioid Crisis Response Act*.

Signed,

Addiction Connections Resource
Addiction Education Society
Addiction Haven

Addiction Resource Council
American Association for Psychoanalysis in Clinical Social Work.
American Association of Child & Adolescent Psychiatry
American Association on Health and Disability
American Dance Therapy Association
American Foundation for Suicide Prevention/Spain USA
American Group Psychotherapy Association
American Psychiatric Association
American Psychological Association
American Society of Addiction Medicine
A New PATH
AngelWater Solutions
Anxiety and Depression Association of America
Association for Ambulatory Behavioral Healthcare
Bullitt Opioid Addiction Team
Center for Open Recovery
Communities for Recovery
Comrades of Hope
Clinical Social Work Association
Dentists Concerned for Dentists, Inc
Depression and Bipolar Support Alliance
Doctors for America
EndTheStigma EnoughisEnough
Facing Addiction with NCADD
Georgia Council on Substance Abuse
Global Alliance for Behavioral Health and Social Justice
Glow Media
Griffin Recovery Enterprises
Harm Reduction Coalition
Hope in Recovery Employment
Hope United
IC&RC
Indiana Addictions Issues Coalition
The Jewish Federations of North America
Joint Actions
Ka Hale Pomaika'i
Lakeshore Foundation
Legal Action Center
LifeHouse Recovery Connection
Living
Maine Alliance for Addiction Recovery
Maryland Recovery
McShin Foundation
Message Carriers of Pennsylvania
Moraine House, Inc.
NAADAC, The Association for Addiction Professionals
National Alliance for Medication-Assisted Recovery
National Alliance to Advance Adolescent Health
National Association for Behavioral Healthcare
National Association for Children's Behavioral Health
National Association for Rural Mental Health
National Association of Addiction Treatment Providers
National Association of County Behavioral Health and Developmental Disability Directors
National Association of Social Workers
National Association of State Mental Health Program Directors
National Alliance on Mental Illness

National Federation of Families for Children's Mental Health
New Jersey Recovery Advocates
Next Steps for Women
Ohio CAN
Oklahoma Citizen Advocates for Recovery & Treatment Association
Open Doorway of Cape Cod
Parity Implementation Coalition
Pennsylvania Alliance of Recovery Residences
Recover Wyoming
Recovery Associates, LLC
Recovery Community at Virginia Tech
SAARA of Virginia
Sandusky Artisans Recovery Community Center
SMART Recovery
Square Medical Group
Students for Opioid Solutions
Summit County Recovery Foundation
Suncoast Harm Reduction Project
SuRE
The Addiction Show
The Council on Alcohol and Drug Abuse
The Dunes
The National Center on Addiction and Substance Abuse
The North Carolina Parents Coalition for C.H.A.N.G.E
The Shevlin Family Foundation
There is No Hero in Heroin Foundation
Transforming Youth Recovery
Treatment Communities of America
Virginia Association of Treatment and Recovery Providers
Young People in Recovery
The Watershed Treatment Programs, Inc.