

# **Attorney General Raoul Urges Federal Government To Ensure Access To Mental Health And Substance Use Services**

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CHICAGO - Attorney General Kwame Raoul, as part of a coalition of 18 attorneys general, today called on the federal government to implement stronger regulations to

ensure behavioral health services are as available to patients as other types of health care.

[In a comment letter](#) to the secretaries of Health and Human Services, Labor and the Treasury, Raoul and the attorneys general express support for the Biden administration's proposed amendments to regulations implementing the Mental Health Parity and Addiction Equity Act (MHPAEA) of 2008 that would improve compliance with the law and access to mental health and substance use disorder treatment.

“While some progress has been made, too many Americans still lack access to lifesaving health care services treating mental health and substance use disorders,” Raoul said. “We must continue to work to expand these services and hold insurers accountable to ensure needed health care is readily accessible for patients.”

Since its passage in 2008, the MHPAEA has required health plans to cover mental health and substance use disorder treatment the same way as medical and surgical treatments. However, federal and state audits have shown widespread noncompliance.

Under the federal government's proposed regulations, health insurers would be required to conduct and disclose to regulators comparative, data-driven analyses of issues impacting access to treatment, including provider network admission standards, methods for determining reimbursement rates and procedures for ensuring network adequacy. Additionally, insurers would be required to address and resolve disparities between mental health and substance use disorder and physical health coverage.

In their letter, Raoul and the coalition argue that collecting this data is well within the ability of health insurers and would help identify gaps and compliance red flags. Raoul and the attorneys general note that health insurers routinely collect data on metrics relevant to MHPAEA compliance as part of their normal business operations, including in- and out-of-network utilization rates, claim submission rates, claim denial rates, reimbursement rates, time and distance standards, and whether providers are accepting new patients. Despite this data collection, numerous independent, peer-reviewed studies have shown that health insurers' networks of mental health providers are in fact so-called 'ghost networks' due to rampant inaccuracies in provider directories.

In their letter, Raoul and the coalition also provide recommendations for strengthening the proposed rule, and urge the federal government to omit or narrow two new exceptions that are overly broad and could be used by insurers to avoid providing coverage. Raoul and the coalition also urge the federal government to quickly make the proposed rule effective, given the high level of unmet need for mental health and

substance use disorder treatment and health insurers' repeated compliance failures. The coalition concludes that by removing barriers to access, the regulations would better address America's mental health and addiction crises.

Joining Raoul in filing the comment letter are the attorneys general of California, Colorado, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.