

June 26, 2024

The Honorable Tammy Baldwin
Chairwoman, Senate Appropriations
Subcommittee on Labor, Health and
Human Services, Education, and Related
Agencies
Room S-128, The Capitol
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations
Subcommittee on Labor, Health and
Human Services, Education, and Related
Agencies
Room S-128, The Capitol
Washington, D.C. 20510

The Honorable Robert Aderholt
Chair, House Appropriations
Subcommittee on Labor, Health and
Human Services, Education, and Related
Agencies
2358-B Rayburn House Office Building
Washington, D.C. 20510

The Honorable Rosa DeLauro
Ranking Member, House Appropriations
Subcommittee on Labor, Health and
Human Services, Education, and Related
Agencies
2358-B Rayburn House Office Building
Washington, D.C. 20510

Dear Chair Baldwin, Ranking Member Moore Capito, Chair Aderholt, and Ranking Member DeLauro:

On behalf of 24 national organizations representing consumers, families, mental health and addiction providers, advocates, and other stakeholders committed to strengthening access to high-quality mental health care and substance use disorder care, we write to express our support for the inclusion of \$40 million for the Employee Security Benefits Administration (EBSA) within the Department of Labor (DOL) in the Labor-HHS appropriations bill for FY 2025 to review health plans' parity compliance analyses. On a strong bipartisan basis, Congress required health plans to conduct such analysis in the Consolidated Appropriations Act, 2021 (CAA).

In passing the CAA's amendments to the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), Congress recognized that more needed to be done to make parity a reality for Americans who still cannot access the mental health and substance use disorder (MH/SUD) services they need. Specifically, the CAA provisions require health plans to conduct parity compliance analyses on all the non-quantitative treatment limitations (NQTLs) they impose on MH or SUD benefits to show that the NQTLs meet MHPAEA's requirements. The CAA also required DOL and HHS to request and review a subset of plans' parity compliance analyses each year.

Funding contained in the CAA to support implementation of the No Surprises Act and Title II Transparency provisions, which includes the amendments to MHPAEA requiring parity compliance analyses, has supported DOL's review of plans' parity compliance analyses for FY 2021 through FY 2024. EBSA's allocation from the CAA funding for the current year is

\$25,779,000 and has been used for multiple purposes, including NSA implementation and parity compliance reviews. If allowed to expire, the bipartisan progress that has allowed for NSA implementation and parity compliance reviews will be halted, and progress towards implementation of MHPAEA will fall short of its potential. EBSA would be severely hampered in reviewing and determining compliance of health plans' parity compliance analyses – undermining a key bipartisan goal of improving access to MH/SUD care.

Continued FY 2025 funding to support EBSA's reviews of parity compliance analyses is particularly important given the work that still needs to be done to ensure that plans are demonstrating parity compliance. In their most recent reports to Congress on MHPAEA compliance, DOL (along with HHS and Treasury) highlighted both improvements in plans' parity analyses and significant ongoing challenges with compliance.¹

Our organizations believe it is crucial that Congress provides the necessary resources to ensure effective enforcement of MHPAEA by appropriately resourcing DOL to review plans' parity compliance analyses in the Labor-HHS appropriations bill for FY 2025. Ensuring compliance with MHPAEA is vital to ensuring individuals seeking mental health and addiction care can access the care they need without relying on lengthy and burdensome appeals processes, especially at a time when our country continues to experience rates of suicide and fatal overdoses that are near all-time record highs.

Thank you for your time and consideration. We look forward to continuing to work with you on solutions to our nation's pressing mental health and substance use crises. If you have questions, please do not hesitate to reach out to Lauren Finke (lauren.finke@thekennedyforum.org).

Sincerely,

American Association of Child and Adolescent Psychiatry
Association for Ambulatory Behavioral Healthcare (AABH)
American Association for Psychoanalysis in Clinical Social Work
American Foundation for Suicide Prevention
American Psychiatric Association
American Psychological Association Services
American Society of Addiction Medicine
Eating Disorders Coalition for Research, Policy, & Action
Inseparable
The Kennedy Forum
Legal Action Center

¹ <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/mental-health-parity/report-to-congress-2022-realizing-parity-reducing-stigma-and-raising-awareness.pdf> and <https://www.dol.gov/sites/dolgov/files/ebsa/laws-and-regulations/laws/mental-health-parity/report-to-congress-2023-mhpaea-comparative-analysis.pdf>.

Mental Health America
National Alliance on Mental Illness
National Association for Behavioral Health
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National Association of State Mental Health Program Directors
National Council for Mental Wellbeing
National Eating Disorders Association (NEDA)
National League for Nursing
Policy Center for Maternal Mental Health
Psychotherapy Action Network
REDC Consortium
Sandy Hook Promise