

## What is Mental Health Parity?

*Health Insurance Must Provide Equal Coverage for Physical and Mental Health Conditions*

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### Know Your Rights

- You have the right to coverage for the diagnosis and medically necessary treatment of mental illness.
- You can change your doctor or other mental health provider if you are not satisfied.
- You can see and get a copy of your medical records.
- You have the right to keep your medical information private.
- You can get a second medical opinion when you are given a diagnosis or treatment option.

### What must be equal for mental and physical health?

Co-payments, co-insurance, deductibles, out-of-pocket expenses, any treatment limitations, prior authorization requirements, frequency of treatment, access to medications, number of visits, and days of coverage.

## What are some examples of unequal coverage?

1) Your insurance will only pay for one session of mental health therapy a month but your insurance will pay for more visits to other physical health providers. 2) Your insurance will pay for outpatient programs after a car accident but not after a mental health crisis. 3) You have to pay \$40 every time you see a mental health provider but only \$20 when you see other health providers.

## Know Your Rights

### Which insurers are obligated?

On January 1, 2014, the Affordable Care Act (ACA) expanded The Mental Health Parity and Addiction Equity Act of 2008 to apply to almost all forms of health insurance. In addition to large group employer plans and state regulated plans, including Medi-Cal managed care plans, the ACA requires all small group and individual market plans to comply with federal parity requirements, including Medicare Advantage and health plans offered through the insurance exchange, Covered California.

### What benefits must be provided?

The ACA strengthened the 2008 parity law by requiring health insurers to include coverage for *mental health and substance use disorder* services because they are an *Essential Health Benefit*.

## California Parity Law

### Who does the California parity law apply to?

California's mental health parity law, Mental Health Parity Act of 1999, applies to California's state regulated private insurers. The law does not apply to Medicare, Medi-Cal, Veterans Administration programs, or self-insured health plans (usually large employers whose plans are regulated only by federal law). Additionally, California law limits equal coverage to the following mental health conditions: Major depression; Bipolar (manic-depressive) disorder; Panic disorder; Anorexia; Bulimia; Obsessive-compulsive disorder; Autism or pervasive developmental

disorder; Schizophrenia; Schizoaffective disorder; and Children's severe emotional disturbances.

## What benefits must be provided under California law?

Health plans subject to California's mental health parity law are required to provide all "medically necessary treatment" for "severe mental illnesses." *Harlick v. Blue Shield of California*, 686 F.3d 699 (9th Cir. 2012; *Rea v. Blue Shield of California*, 226 Cal.App.4th 1209 (2014)). Benefits must include at least outpatient services, inpatient hospital services, partial hospital services, residential treatment, and prescription drugs (if prescription drugs are included in the plan).

## How are the parity laws enforced?

The agencies regulating the plans will be responsible. These include the California Department of Managed Health Care, the California Department of Insurance, and the Department of Labor.

This information is provided to you through the combined effort of the following organizations:

Disability Rights California (800) 776-5746 / (916) 504-5800

Legal Aid Society of San Diego, Inc. (877) 534-2524

Mental Health Advocacy Project (408) 293-4790

Mental Health Advocacy Services, Inc. (213) 389-2077

We want to hear from you! After reading, this fact sheet please take this short survey and give us your feedback.

English version: <http://goo.gl/forms/eiqqQ1GRfd> Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <https://www.disabilityrightsca.org/pod/list-of-funding-grants-and-contracts>.

**The California Mental Health Services Authority (CalMHSA)** is an organization of county governments working to improve mental health outcomes for individuals, families and communities. Prevention and Early Intervention programs implemented by CalMHSA are funded by counties through the voter-approved Mental Health Services Act (Prop 63). Prop. 63 provides the funding and framework needed to expand mental health services to previously underserved populations and all of California's diverse communities.



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