

60 Minutes Report Highlights Heart-Breaking Challenges in Obtaining Treatment for Mental Health Care

Many Maryland Families Could Face Similar Risk if Insurance Regulators Don't Step in to Help —

BALTIMORE, MD (December 17, 2014) — A report that aired on "60 Minutes" Sunday night shared the stories of three families who faced insurmountable barriers erected by a private health insurer to get their children the critical mental health care they needed. Unfortunately, the struggles faced by these families continue even with a monumental law in place since 2008 that was supposed to address years of discrimination by insurance companies.

Known as the Mental Health Parity and Addiction Equity Act, the law requires equality between insurance coverage for medical/surgical treatment and mental health/substance abuse treatment. Despite the legislation, residents of Maryland find themselves having difficulty getting coverage for treatment for behavioral health conditions and it's the Maryland Insurance Administration (MIA) that needs to step in to protect these consumers.

"The federal law requires insurers to demonstrate that standards for approving or denying care is the same for mental health as for any other medical issue. Without this information, which insurers have been reticent to provide, complaints cannot be resolved quickly when care is denied, and lives hang in the balance as the bureaucratic process wanes on," said Linda J. Raines, chief executive officer of the Mental Health Association of Maryland. "As the 60 Minutes report illustrated, there are life or death consequences when parents have nowhere to turn in their battle to get the care their children need. We need the Maryland Insurance Administration to be proactive in ensuring Maryland families are able to access the care Congress sought to protect when the Federal Parity Law was passed six years ago."

The Maryland Parity Project of the Mental Health Association of Maryland has answered almost 200 calls and helped many families who had experiences similar to those shared by Scott Pelley in the 60 Minutes report. In some cases, resolution of complaints through the federal appeals processes has dragged on for two years or longer, leaving families with no access to care, which is why it is so important for state regulators to take action.

"Unfortunately, it's a complaint-driven process and families who call us during a crisis are focused on getting their child the care they need and don't have time to battle with the insurance company bureaucracy," said Adrienne Ellis, Director of the Maryland Parity Project. Also, stigma about behavioral health is a real deterrent to filing a complaint or going public, she said.

"One of the first questions people ask when they consider filing a complaint is: will there be a big red flag next to my name with the insurer? People are worried that if they complain, then all of their treatment will be denied or their employer who provides their insurance coverage may find out," Ellis said. Because this happens with so many denials, many violations go unnoticed or unenforced.

Accordingly, stakeholders in Maryland, including the Mental Health Association of Maryland, are focused on addressing the problem of barriers and persistent insurer discrimination and will propose legislation in Annapolis during the 2015 legislative session that will better equip the Maryland Insurance Administration to proactively assure that insurers are fully compliant with the law.

“Regulators in other states have issued strong parity enforcement regulations and filed legal briefs on behalf of individuals whose care has been denied by insurers,” said Raines. “There is huge economic impact for states when commercial insurers fail to provide care, as the state ultimately ends up footing the bill for care that is provided when individual situations rise to a crisis level.”

This legislation would put the onus for parity on the insurance companies as they hold all the information necessary to determine compliance, and are required by the federal law to conduct an internal parity analysis. Currently, the lack of transparency by insurance companies makes it impossible for families to file a complete appeal or complaint without legal assistance, which can be costly.

The Maryland Parity Project is an initiative of the Mental Health Association of Maryland. The project educates consumers and providers of their rights afforded by MHPAEA and provides case assistance to those who feel they are not receiving the benefits to which they are entitled or feel they have been discriminated against by their insurer.

The Mental Health Association of Maryland (MHAMD) is the state’s only volunteer, nonprofit citizen’s organization that brings together consumers, families, professionals, advocates and concerned citizens for unified action in all aspects of mental health and mental illness. MHAMD envisions a just, humane and healthy society in which all people are accorded respect, dignity and the opportunity to achieve their full potential free from stigma and prejudice.

For more information contact Adrienne Ellis, Director Maryland Parity Project, 443-901-1550 ext. 206, aellis@mhamd.org or visit www.MarylandParity.org for more information.