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# Representatives Cárdenas and Porter and Senator Warren Reintroduce the Behavioral Health Coverage Transparency Act

**Washington, D.C.** – Today, United States Representatives Tony Cárdenas (D-Calif.) and Katie Porter (D-Calif.) and Senator Elizabeth Warren (D-Mass.) reintroduced the bipartisan Behavioral Health Coverage Transparency Act, legislation that would strengthen oversight and enforcement of federal mental health and substance use disorder parity laws. This bill was previously introduced by Senator Warren in 2016, 2018, and again in 2019. For the first time, the Behavioral Health Coverage Transparency Act of 2022 will be introduced with bipartisan support.

This Congress, the legislation has been updated to account for improvements passed in the Consolidated Appropriations Act of 2021 (CAA). The CAA granted the Departments of Health and Human Services (HHS), Labor (DOL), and Treasury increased oversight authority to help provide new insights into insurance companies' compliance with federal parity laws.

In February of this year, the Departments issued their first report following the implementation of these new provisions and documented significant gaps in compliance, confirming that more needs to be done to strengthen enforcement and protect consumers.

“Navigating our complicated health care system is often confusing and frustrating for people who are just looking to get help,” **said Congressman Cárdenas.** “Mental health and substance use care are as important as other forms of health care, but can be more difficult to access. The Behavioral Health Coverage Transparency Act will improve the quality of behavioral health care that patients are entitled to by federal law by encouraging insurer compliance, increasing consumer protection and improving coordination.”

“Health care – including behavioral health care – is a human right, and we must ensure that Americans don’t face any additional barriers to getting the often life-saving care that they need,” **said Senator Warren.** “The Behavioral Health Coverage Transparency Act would help protect consumers, hold insurers accountable, and increase compliance with federal parity laws.”

“Federal law requires that insurers cover mental health the same as physical health, yet I continue to hear from Orange County families that this isn’t what’s happening on the ground,” **said Rep. Porter, a member of the House Oversight Committee.** “Patients are three to six times more likely to be forced out of network for mental health

treatment because insurance companies still refuse to follow the law on mental health coverage. My Behavioral Health Coverage Transparency Act with Senator Warren will empower consumers to report violations and increase accountability for insurers that fail to cover mental health treatments.”

The updated legislation, which builds on the provisions passed in the CAA, would:

- Increase transparency by requiring insurance plans and third-party administrators to submit annual reports with information on any non-quantitative treatment limitations and to disclose additional data on denial rates, reimbursement rates, and network adequacy;
- Encourage compliance by ensuring that HHS, DOL, and Treasury conduct a review of no fewer than 100 plans per year, including 40 randomized audits;
- Establish a toll-free telephone number and an online Consumer Parity Portal to offer patients and providers a centralized website hosting information on patients’ rights, findings from oversight efforts, and resources to ensure that health care consumers receive the protections they are guaranteed by law; and
- Support consumers by encouraging collaboration across federal agencies and with states, including by awarding grants to establish, expand, or provide support for offices of health insurance consumer assistance and health insurance ombudsman programs.

This legislation is co-sponsored by Senators Baldwin (D-Wis.), Blumenthal (D-Conn.), Booker (D-N.J.), Brown (D-Ohio), Kaine (D-Va.), Klobuchar (D-Minn.), Luján (D-N.M.), Markey (D-Mass.), Murphy (D-Conn.), Sanders (I-Vt.), Smith (D-Minn.), Stabenow (D-Mich.), and Van Hollen (D-Md.) and by Representatives Fitzpatrick (R-Pa.), Trone (D-Md.), Doggett (D-Tex.), Raskin (D-Md.), Barragán (D-Calif.), Butterfield (D-N.C.), McEachin (D-Va.), Napolitano (D-Calif.), Jayapal (D-Wash.), Doyle (D-Pa.), Deutch (D-Fla.), Jackson Lee (D-Tex.), and Kuster (D-N.H.).

In a letter sent to Senator Warren and Representative Porter, the Mental Health Liaison Group (MHLG), a coalition of national mental health and addiction organizations, expressed its strong support for the legislation. The MHLG previously [offered](#) its endorsement for the Behavioral Health Coverage Transparency Act in 2019.

“The MHLG commends the introduction of legislation to strengthen implementation and enforcement of federal rules requiring coverage of mental health and substance use disorder treatment at parity with other health benefits.,” **said the letter.** “Given the poor compliance of issuers and health plans in performing the comparative analyses required by law, as revealed by the federal agencies’ report to Congress in January 2022, we are united in the belief that more action is needed.”

**The letter continues,** “[The Behavioral Health Coverage Transparency Act of 2022] will help ensure mental health and substance use disorder coverage is in compliance with parity, and treatment ultimately becomes available to those in need.”

It has received support from over 50 advocacy and expert organizations, including:

The American Psychiatric Association; American Psychological Association; Legal Action Center; National Alliance on Mental Illness; The Kennedy Forum; 2020 Mom; American Academy of Addiction Psychiatry; American Academy of Social Work and Social Welfare; American Association for Psychoanalysis in Clinical Social Work; American Association on Health and Disability; American Foundation for Suicide Prevention; American Group Psychotherapy Association; American Occupational Therapy Association; American Psychoanalytic Association; American Society of Addiction Medicine; Anxiety & Depression Association of America; Association for Ambulatory Behavioral Healthcare; Bazelon Center for Mental Health Law; Campaign for Trauma Informed Policy and Practice; Children and Adults with Attention-Deficit/Hyperactivity Disorder; Children's Hospital Association; Clinical Social Work Association; College of Psychiatric and Neurologic Pharmacists; Depression and Bipolar Support Alliance; Eating Disorders Coalition; Faces & Voices of Recovery; Global Alliance for Behavioral Health and Social Justice; Inseparable; International OCD Foundation; International Society for Psychiatric Mental Health Nurses; Jewish Federations of North America; Lakeshore Foundation; Maternal Mental Health Leadership Alliance; Mental Health America; NAADAC, the Association for Addiction Professionals; National Alliance to Advance Adolescent Health; National Association for Behavioral Healthcare; National Association for Children's Behavioral Health; National Association of Addiction Treatment Providers; National Association of Pediatric Nurse Practitioners; National Association of Social Workers; National Association of State Mental Health Program Directors; National Eating Disorders Association; National Federation of Families; National Health Care for the Homeless Council; National League for Nursing; Network of Jewish Human Service Agencies; No Health without Mental Health; Partnership to End Addiction; Residential Eating Disorders Consortium; RI International; School Social Work Association of America; and SMART Recovery.

"The Behavioral Health Coverage Transparency Act builds on the 2020 amendments to the parity law and requires greater accountability from health plans and insurers. January's report to Congress from the federal agencies responsible for parity enforcement revealed that significant work remains to achieve full compliance with the law. We applaud Senator Warren and Representatives Porter and Cárdenas for their continued focus on mental health parity implementation." – **American Psychiatric Association CEO and Medical Director Saul Levin M.D., M.P.A.**

"The Behavioral Health Coverage Transparency Act addresses two essential strategies to achieve the Parity Act's promise: helping consumers understand and enforce their right to equitable substance use disorder and mental health insurance coverage and improving federal oversight of health plan parity compliance. Providing new federal funds for states to establish independent offices of consumer assistance will ensure individuals and families who encounter insurance barriers have the hands-on support they need to overcome them. Coupled with stronger federal enforcement of carrier compliance requirements and greater transparency, this bill will help address rising mental health needs and the escalating overdose crisis in communities across our nation." — **Ellen Weber, Sr. Vice President for Health Initiatives, Legal Action Center**

"Discriminatory practices by health insurers are preventing people from getting the life-saving care they need for substances use disorders and mental illness. By holding health plans accountable for providing equitable coverage, the Behavioral Health Coverage Transparency Act will increase access and promote health equity so everyone has the care they need, when they need it!" – **Emily Stewart, Executive Director, Community Catalyst**

"The American Psychological Association applauds Senator Warren and Representatives Porter and Cárdenas for introducing the Behavioral Health Coverage Transparency Act of 2022. It has been 14 years since mental health parity was enacted and far too many individuals are still not receiving the mental health supports and services that they need. This initiative would address this crisis by increasing transparency, encouraging compliance, protecting patients and supporting consumers. APA believes that the bill's focus on metrics for the key issues of network adequacy, reimbursement parity and denial rates will provide crucial data to address these remaining issues under the law." – **Jaime "Jim" Diaz-Granados, Deputy Chief Executive Officer, American Psychological Association**

"Despite passing the *Mental Health Parity and Addiction Equity Act* 14 years ago, we still too often see health insurers fail to provide coverage for mental health and substance use services at parity with physical health care," said **Hannah Wesolowski, Chief Advocacy Officer for NAMI, the National Alliance on Mental Illness**. "The strong oversight provisions in the Behavioral Health Coverage Transparency Act will help us make progress toward receiving equity for mental health care. We thank Senator Warren and Representatives Porter and Cárdenas for continuing the fight for parity so that people can receive mental health care when they need it."

"The Parity Law has gone unenforced for years as Americans die from substance use disorder and mental health issues. We are pleased to support the Behavioral Health Coverage Transparency Act which will move toward enforcement of this critical law." – **Mark Dunn, Director of Public Policy, National Association of Addiction Treatment Providers**

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