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## 85<sup>TH</sup> LEGISLATURE PRIORITY

### Barriers to Care: Mental Health and Substance Use Disorder Benefit Parity

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Historically, insurance benefits for mental health and substance use disorder (MH/SUD) services have been limited in many health plans, hindering access to the health care treatment needed for optimal recovery. Federal and state laws exist and interact to improve access to MH/SUD care. Specifically, mental health parity laws require that insurance benefits for mental health and substance use conditions are equal to the coverage for other types of health care. However, the state does not fully enforce parity, making oversight more difficult for consumers and providers. Stakeholders over the interim had lengthy discussions on the topic with the Select Committee on Mental Health, who made recommendations regarding parity in their interim report.

### The Texas Coalition for Healthy Minds supports expanding TDI's oversight of mental health parity.

#### What is "parity"?

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- Parity means that insurance benefits for MH/SUD care are equal to coverage for other types of health care. For example, if a plan offers unlimited doctor visits for diabetes, then it must do the same for a mental health condition such as depression or schizophrenia.
- The federal parity law (Mental Health Parity and Addiction Equity Act of 2008) establishes minimum standards for parity across the country; however, enforcement of and education about parity protections remain challenges.

The Texas Coalition for Healthy Minds is a group of organizations that believe health is a personal, community, and statewide priority. Coalition members work together to promote the prevention and treatment of mental illness and substance use disorder.

## Texas Coalition for Healthy Minds Member Organizations

American Foundation for  
Suicide Prevention  
Association of Substance Abuse Programs  
Austin Clubhouse  
Behavioral Health Advocates of Texas  
Center for Public Policy Priorities  
Clarity Child Guidance Center  
Communities for Recovery  
Depression and Bipolar Support Alliance  
Easter Seals Central Texas  
Federation of Texas Psychiatry  
Mental Health America of Texas  
Methodist Healthcare Ministries of South  
Texas, Inc.  
National Alliance on Mental Illness Austin  
National Alliance on Mental Illness Dallas  
National Alliance on Mental Illness Texas  
National Association of Social Workers,  
Texas Chapter  
Texans Care for Children  
Texas Association of Marriage  
and Family Therapy  
Texas Catalyst for Empowerment  
Texas Council of Community Centers  
Texas Counseling Association  
Texas Family Voice Network  
Texas Hospital Association  
Texas Impact  
Texas Medical Association  
Texas Nurses Association  
Texas Pediatric Society  
Texas Psychological Association  
Texas Suicide Prevention Council  
Upbring

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## What type of parity violations still occur?

- Having to get advance permission to get MH/SUD care, but not other types of health care.
- Higher rates of denials for services because they were not considered “medically necessary.”
- The plan will not cover MH/SUD treatment in certain settings, but it will for other conditions.
- More frequent use of “fail first” policies for MH/SUD treatment.

## What type of parity violations still occur?

The Texas Department of Insurance (TDI) regulates some forms of parity for plans sold to large employers, but not for plans sold to small employers or directly to individuals. TDI can only enforce “quantitative treatment limits” (e.g. limits on the number of visits that will be covered in one year) for large employer plans, but has no ability to enforce parity for “non-quantitative treatment limitations” (e.g. more frequent denials for services considered not “medically necessary”). When TDI can’t act to protect Texas consumers, enforcement falls to federal agencies.

Therefore, The Coalition recommends requiring TDI to enforce mental health parity, including non-quantitative treatment limitations, for all fully-insured plans.



[coalitionhealthyminds.org](http://coalitionhealthyminds.org)