

American Psychiatric Association

1000 Wilson Boulevard
Suite 1825
Arlington, VA 22209
Telephone 703.907.7300
Fax 703.907.1085
E-mail apa@psych.org
Internet www.psych.org

Board of the Trustees

2008-2009

Nada L. Stotland, M.D., M.P.H.

President

Alan F. Schatzberg, M.D.

President-Elect

Carol A. Bernstein, M.D.

Vice President

David Fassler, M.D.

Secretary-Treasurer

Carolyn B. Robinowitz, M.D.

Pedro Ruiz, M.D.

Steven S. Sharfstein, M.D.

Past Presidents

Dilip V. Jeste, M.D.

Roger Peele, M.D.

Amy M. Ursano, M.D.

Jeffrey L. Geller, M.D.

James E. Ninger, M.D.

John C. Urbaitis, M.D.

Sidney H. Weissman, M.D.

Mary Helen Davis, M.D.

Thomas K. Ciesla, M.D.

William M. Womack, M.D.

Lauren Sitzer, M.D.

Melinda G. Fierros, M.D.

Trustees

Assembly

2008-2009

Ronald M. Burd, M.D.

Speaker

Gary S. Weinstein, M.D.

Speaker-Elect

Bruce A. Hershfield, M.D.

Recorder

Staff

James H. Scully, Jr., M.D.

Medical Director and CEO

Ronald E. McMillen

Chief Executive Officer,

American Psychiatric Publishing, Inc.

Darrel Regier, M.D., M.P.H.

Executive Director,

American Psychiatric Institute for

Research and Education

Paul T. Burke

Executive Director,

American Psychiatric Foundation

January 8, 2009

The Honorable Elaine L. Chao
Secretary of the Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

The Honorable Michael O. Leavitt
Secretary of the Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Henry M. Paulson, Jr.
Secretary of the Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretary Chao, Secretary Leavitt, and Secretary Paulson:

I am writing to you on behalf of the American Psychiatric Association (APA), the medical specialty representing more than 38,000 psychiatric physicians nationwide, to urge that the Departments of Labor, Health and Human Services, and Treasury work together swiftly to issue guidance for employers covered by the recently enacted Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Sections 511 and 512 of PL 110-343, October 3, 2008).

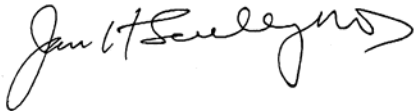
As you know, the new parity law is effective in calendar year 2010 (with exceptions for collectively bargained plans). We expect covered employers to comply with the law, and believe there is ample evidence to support the provision of the broadest possible coverage of treatment of mental illnesses and substance use disorders. The law directs that final regulations are to be issued within a year (i.e. by October 2009). We anticipate that all three agencies will be working together to issue the draft implementing regulations promptly and that this process will be relatively straightforward. Since, however, some employers are asserting that they may require substantial lead time to negotiate plan coverage with their insurers, we are concerned that even a modest delay in the issuing of a Notice of Proposed Rulemaking may make it difficult for employers to clearly understand their obligations under the law, and accordingly to negotiate broad appropriate coverage for their employees.



Fortunately, the law also directs the regulating agencies to “publish and widely disseminate guidance and information” to employers and insurers to help them prepare for implementation (Section 512(g) of PL 110-343). We understand that some employers assert they will need clear guidelines by the spring of 2009 in order to ensure there is sufficient time for them to plan for the new law and negotiate the terms of coverage with insurers. Further, early guidance will provide helpful insight about how the federal parity law will wrap around existing state laws for those states that have their own parity laws on the books. We therefore urge your agencies promptly to issue guidelines to facilitate employer compliance with the new law. This type of educational effort would greatly allay the concerns of the business community and ease compliance with the new law.

Thank you for your consideration of these comments and we look forward to working with the Departments of Labor, Health and Human Services, and Treasury on these important issues in the future. If you have any further questions, please contact Jennifer Tassler, JD, Deputy Director, Regulatory Affairs, at jtassler@psych.org or at (703) 907-7842.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Scully Jr.", with a stylized flourish at the end.

James H. Scully Jr., M.D.
Medical Director and C.E.O., American Psychiatric Association