

United States Senate

WASHINGTON, DC 20510

August 4, 2009

The Honorable Hilda Solis
Secretary
U.S. Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20201

The Honorable Timothy Geithner
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

Dear Secretaries Solis, Sebelius and Geithner:

We are writing to urge the timely issuance of regulations to implement the *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008* (MHPAEA). Enacted on October 3, 2008, this landmark civil rights legislation will ensure that individuals and families with mental health and substance use disorders will receive health care on par with other medical conditions covered under group health insurance. Congress included a provision requiring the issuance of regulations by October 3, 2009.

With or without regulations, the effective date for the Act is the beginning of the plan year one year after date of enactment of the parity law. For most plans, this means the effective date will be January 1, 2010.

Congress considered this legislation for over twelve years prior to its enactment. At hearings of the four committees of jurisdiction in the House and Senate and at fourteen field hearings, we heard from patients and their families who could not access mental health and substance use disorder services.

Additionally, to avoid misinterpretation of the law and to ensure access to these critical services, it is imperative that you not only issue regulations according to clear Congressional intent but also address concerns submitted during the public comment period. In response to the

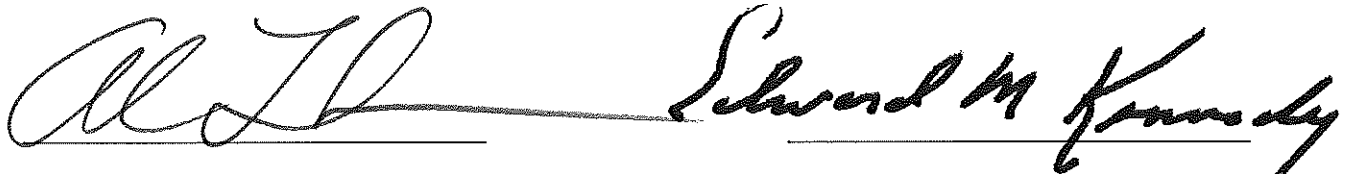
Request for Information, over 400 comments were filed. These comments highlighted the importance of the regulations in order to clarify several important issues:

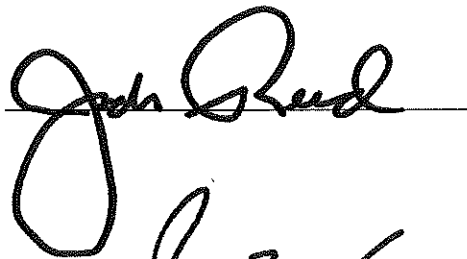
- Scope of services
- Medical management
- "Separate but equal" deductibles do not constitute parity
- Treatment limitations

Without timely issuance of regulations that clarify Congressional intent, it is likely that health plans will implement the law according to their proposed version of regulations as set forth in their public comments. Only with regulations can we ensure the end to discrimination against those with mental health and substance use disorders.

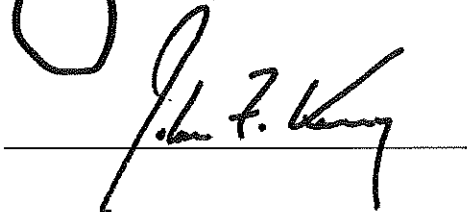
We urge your prompt attention to the implementation of these regulations and ask that you provide us with an update on the status of their promulgation by August 19, 2009. Thank you for your consideration and attention to this matter.

Sincerely,

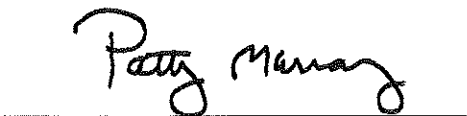
 Edward M. Kennedy

 John Reed

 John P. Murtha

 John F. Kerry

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 Patty Murray

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