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PolitiFact Wisconsin and the law of mental health coverage

1 message

Bryan White <zebrafactcheck@gmail.com>
To: truthometer@politifact.com

Wed, Aug 21, 2019 at 2:26 AM

Dear Truth-O-Meter,

PolitiFact Wisconsin's Aug. 20, 2019 "fact check" of Sen. Warren on the requirement to cover mental health on a basis equal to covering physical health lacks a basic feature: a fact check of whether insurance companies do not comply with the law Warren references. It also has a basic error in its section intended to describe the applicable law (bold emphasis added):

When we reached out to Warren's campaign for backup, spokesman Chris Hayden told us the senator was referring to the Affordable Care Act's essential health benefits.

The ACA required small group and individual market plans to cover 10 different benefit categories, including maternity and newborn care, ambulance and emergency services and prescription drugs. Mental health and substance use disorder services were also included as benefits.

Hayden also pointed to the Mental Health Parity and Addiction Equity Act, sponsored by then-U.S. senators Paul Wellstone and Pete Domenici, which was enacted in October 2008. The act requires equal coverage of treatment for mental illness and addiction.

The act sponsored by Wellstone and Domenici does not, contrary to the suggestion of PolitiFact Wisconsin's claim, require equal coverage of treatment for mental illness and addiction. That act added that requirement only for group insurance. The ACA expanded that requirement to the individual insurance market, as described in [a source from PolitiFact Wisconsin's source list](#):

The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) is a federal law that generally prevents group health plans and health insurance issuers that provide mental health or substance use disorder (MH/SUD) benefits from imposing less favorable benefit limitations on those benefits than on medical/surgical benefits.

MHPAEA originally applied to group health plans and group health insurance coverage and was amended by the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010 (collectively referred to as the "Affordable Care Act") to also apply to individual health insurance coverage.

The unqualified claim that the Wellstone/Domenici bill requires equal coverage for mental health, then, requires a clarification or correction. The claim is misleading at best.

The piece could also improve by taking the steps necessary to fact check Warren's claim. That would involve looking at *the specific requirements of the law regarding equal coverage for mental health*, and then researching whether insurance companies follow the law. It isn't enough to cobble together news reports that deal more generally with insurance companies' methods of covering mental health claims. The supposed failures to offer equal treatment for mental health must correlate to legal stipulations. Examples failing that requirement are irrelevant.

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Sincerely,

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