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Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

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General Comment

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Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210
Attention: RIN 1210-AB30

Centers for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, SW
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Attention: CMS--4140—IFC

Internal Revenue Service
Department of the Treasury
1111 Constitution Avenue, NW
Washington, DC 20224
Attention: REG-120692-09

Re: Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; Final Rule

To Whom It May Concern:

I appreciate the opportunity to comment on the Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), published in the February 2, 2010 Federal Register.

The following comments on specific provisions in the regulations will help strengthen consumer protections and ensure that the implementing regulations reflect Congress' intent to prohibit discriminatory limits on mental health and substance use conditions by employer-sponsored and other group health plans.

Non Quantitative Treatment Limitations

In enacting the MHPAEA, Congress made clear that the goal of this new law was to remedy the long history of employers and insurers not providing comparable coverage for mental health and substance use conditions relative to the medical and surgical benefits they provide.

Higher co-payments, deductibles, and other cost-sharing requirements, as well as restrictions on the number of outpatient visits and inpatient days covered are only the most obvious examples of discriminatory treatment of mental health and substance use care. The provisions in the interim final rules describing non quantitative treatment limits respond to the evidence indicating