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Request for Information Regarding the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

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Request for Information Regarding the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

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General Comment

The regulations should contain an exception to plan aggregation to permit an employer to establish a separate plan, whether insured or self-insured, which is not coordinated with the employer's medical plan, and which either provides coverage for a single disease or illness (such as substance abuse programs), or other limited benefits. The terms of exception could require that the plan be offered under a separate insurance policy or administrative contract than the medical plan, and that it cover and provide the same level of benefits to all eligible employees, regardless of whether the employee participates in the employer's medical plan, and regardless of the benefit package option selected under the medical plan. Another condition could be that the plan be paid for entirely by the employer.

This exception is needed because there are a lot of issues with coordinating these types of programs with the employer's medical plan. First, these benefits are typically offered under a separate administrative contract than the medical plan.

Under the new rules, the employer would be required attempt to match benefits with potentially several different benefit options that are offered under the medical plan which might not be possible under the terms of the program's administrative contract. Further, it is not clear how the rules would work for participants who do not elect to participate in the medical plan at all (presumably a separate level of benefits could be made available to these participants).

Employers are often providing these benefits at no cost to the employee, and requiring coordination would potentially increase the cost of such benefits which might then be passed on to employees. Also, coordination might be so difficult or burdensome because the employer is dealing with different third party administrators and administrative contracts, such that the employer might decide to cease offering these benefits altogether.

Finally, the law recognizes an exemption from the requirements for similar noncoordinated benefits offered under an insured arrangement, so adopting such an exemption for self-insured arrangements would be consistent.