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Mental health parity laws aren't working. Santa Clara County wants to take action

California recently updated its mental health parity laws in 2020

By **GRACE HASE** | ghase@bayareanewsgroup.com | Bay Area News Group PUBLISHED: October 30, 2023 at 6:05 a.m. | UPDATED: October 31, 2023 at 4:25 a.m.

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Despite several federal and state laws passed in the last few decades to make sure health insurance companies are covering physical and mental health the same, many are still not getting the mental health treatment they need. Now, Santa Clara County wants to join the fight for mental health parity.

As recent as 2020, state lawmakers tried to bolster California's Mental Health Parity Act, which was first passed in 1999. The most recent iteration, led by Sen. Scott Wiener (D-San Francisco), expanded the types of medically necessary treatments and mental illnesses — including substance use issues — that health insurance companies would have to cover. The previous law only covered treatment for nine serious mental illnesses.

Despite the bold promises though, patients are still slipping through the cracks, as noted by mental health advocates who in a May letter to the state's Department of Managed Health Care questioned whether the agency was enforcing the new law.

"This is a health care issue plain and simple," Santa Clara County Supervisor Joe Simitian said. "If somebody shows up with a broken arm, their insurance covers it. If somebody shows up with a need for mental health care, there should be no question about the fact that they're going to get the help they need. Regrettably, that is not the case today. It's long past time to get serious about this."

Earlier this month, Simitian and Supervisor Cindy Chavez introduced a referral asking the county to wade into the issue — whether that be through sponsoring state legislation or taking legal action to hold insurance companies accountable. The county has gone to court over public health issues before, suing paint manufacturers over lead paint and drug companies for fueling the opioid crisis, both of which resulted in hefty settlements in favor of the county.

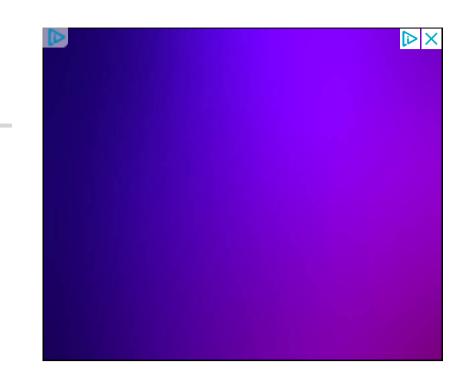
Simitian said that while litigation shouldn't be the first choice, the county "shouldn't shy away from it."

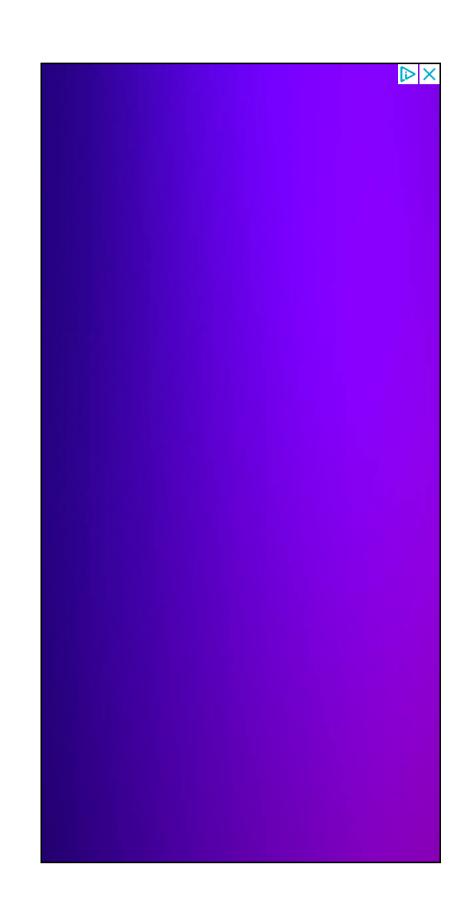


"We need to be willing to roll up our sleeves, and if necessary, wade into the legal system to make sure insurers here in Santa Clara County and California are at a minimum doing that which the law requires," Simitian said.

The county counsel's office is expected to report back on the matter to the health and hospital committee in mid-December, and the full Board of Supervisors in January.

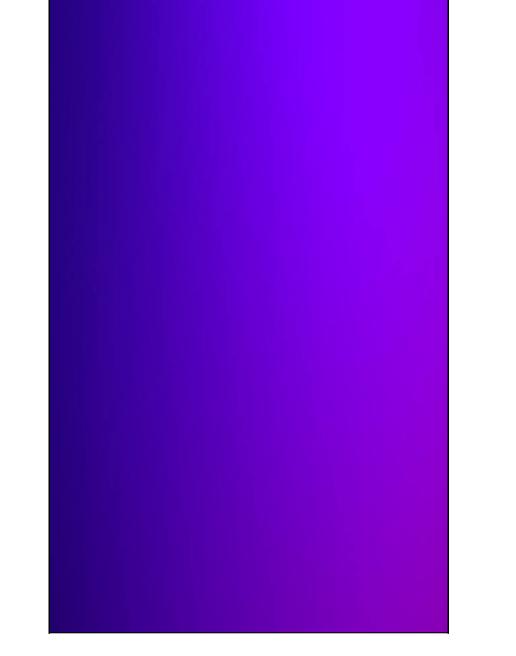






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Rebecca Basson, an attorney with the Law Foundation of Silicon Valley, said one of the biggest issues with mental health parity laws is that while it guarantees patients get coverage for mental health treatment on par with physical health treatment, it doesn't necessarily ensure quality treatment or being able to get into a provider altogether.

Earlier this month, Kaiser Permanente agreed to a \$200 million settlement with the state over patients experiencing significant delays in receiving behavioral health treatment. They will pay a \$50 million fine and have promised to fix "deficiencies in the plan's delivery and oversight of behavioral health," according to a press release from the California Department of Managed Care. The remaining \$150 million is a pledge by Kaiser to improve behavioral health services over the next five years.

At the Law Foundation, Basson said many of their clients' inability to access quality care in an outpatient setting has led them to require hospitalization.

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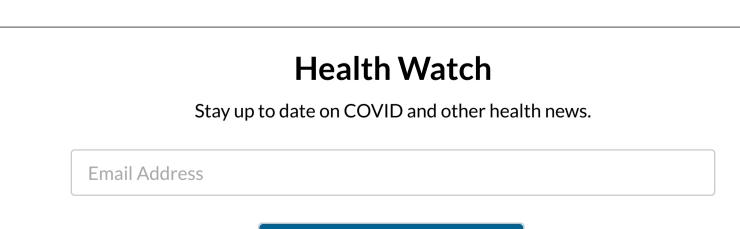
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"People are ending up in inpatient because the system outside is not built up sufficiently to support all those people who need that care," she said. "It's great to say yes you have to provide the care equally, but if there aren't enough doctors and there isn't enough resources to meet the need and the demand, you're not going to end up in practice to be able to give equal treatment because you're lacking the resources."

Rovina Nimbalkar, the executive director of Santa Clara County's chapter of the National Alliance on Mental Illness, said one of the biggest issues when it comes to people being unable to afford mental healthcare is that many therapists and psychiatrists don't accept insurance because many insurance companies reimburse them at much lower rates compared to other types of physicians.

As for the state's expansion to its mental health parity law several years ago, Nimbalkar said she hasn't seen any difference.

"There's a lot of stigma associated with mental health and it's not treated on the same level as physical diseases," she said. "I feel like people just don't understand that mental health means there is a chemical imbalance in the brain."





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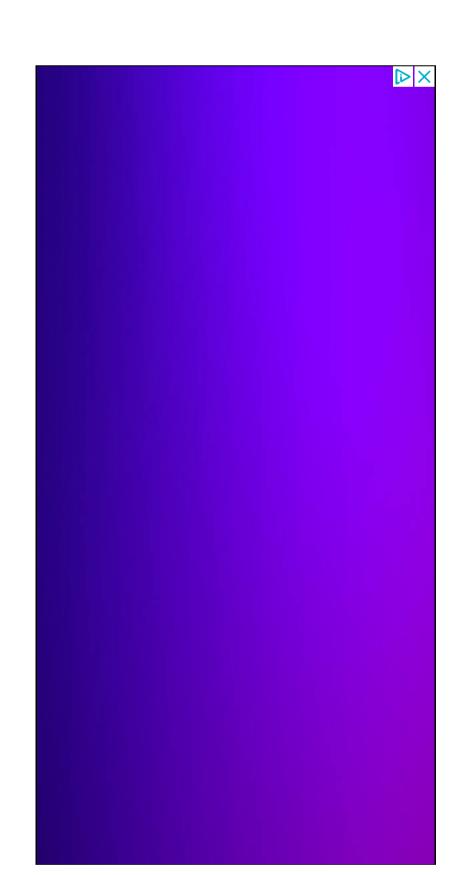
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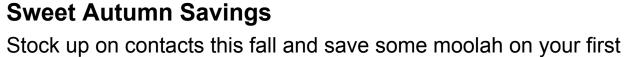
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