**How will the Mental Health Parity Act impact me?**

The Georgia General Assembly passed the Mental Health Parity Act, ensuring that the state will enforce parity in insurance coverage for behavioral health care beginning in July 2022. Parity enforcement will mean thatinsurance companies can no longer deny coverage for medically necessary behavioral health treatment, and families will no longer have to pay out of pocket for needed care due to arbitrary coverage limits and denials.

The Mental Health Parity Act ([Georgia General Assembly - HB 1013 (ga.gov)](https://www.legis.ga.gov/legislation/61365)) will help Georgians access affordable mental health and substance use disorder treatment for themselves and their children by **ensuring that public and private health insurance plans that are regulated by the state cover behavioral health equitably with physical health.** Enforcing parity will also, in time, address mental health workforce shortages by ensuring equity in reimbursement of providers by insurers. The first section of the Mental Health Parity Act requires:

* Medicaid care management organizations and private insurance plans that are regulated by the state to follow federal parity law;
* The state to regularly monitor parity compliance and take action when violations occur (the state budget includes funding for a dedicated staff person to enforce parity);
* Making it easier for families to file parity complaints with the state;
* Making parity compliance data transparent and publicly available;
* Ensuring medical necessity determinations are based on generally accepted standards of care.

For more information, read this summary of the Mental Health Parity Act from The Carter Center: <https://www.cartercenter.org/news/features/blogs/2022/with-new-law-2022-is-the-year-for-mental-health-in-georgia.html>

**Signs that your health insurance plan may be violating parity requirements include:**

* You cannot find an in-network mental health provider that is taking new patients, when providers are available for other types of health care.
* You have to pay higher costs for prescription medication for mental health treatment than for physical health treatment.
* You have to pay higher costs or are limited to fewer visits for mental health services than for other kinds of health care.
* You have to call and get permission to get mental health care covered, but you do not have to do this for other types of health care (a process known as prior authorization).
* You are denied coverage for mental health services because they are determined to be "not medically necessary." without being given an explanation.

See the Georgian’s for a Healthy Future website for more information: https://healthyfuturega.org/our-priorities/increasing-access-to-care/behavioral-health-parity-in-georgia/

Also see the national Parity Track website for more examples of how to know when an insurance plan may be violating parity law:

<https://www.paritytrack.org/common-violations/>

**What can I do if I think I have experienced a parity violation?**

Your first step is discuss the issue with your insurance provider and determine if you should file a formal appeal. See a health insurance appeal guide on the national Parity Track website: <https://www.paritytrack.org/consumer-resources/> .

When the issue is not resolved by the insurance provider, these state agencies are responsible for enforcement of parity in Georgia:

* The **Georgia Office of Insurance and Safety Fire Commissioner (OCI)** oversees and analyzes the practices of private insurers\* (<https://oci.georgia.gov/file-consumer-insurance-complaint>).
* The **Georgia Department of Community Health (DCH)** oversees and analyzes the practices of Medicaid insurance companies (CMOs) and the State Children’s Health Insurance Program (PeachCare for Kids) (<https://medicaid.georgia.gov/mental-health-and-substance-use-disorder-parity>).

**One of the components of the Mental Health Parity Act is to require both state agencies to develop a consumer-friendly complaint process. Check back for an updated complaint process in January of 2023.**

Also see these consumer education resources recently released by the federal government:<https://www.samhsa.gov/newsroom/press-announcements/20220427/hhs-new-mental-health-substance-use-disorder-benefit-resources>

\*The state is responsible for monitoring and enforcement of parity for private insurance plans, including individual, marketplace, small business, and large employer plans that are not self- funded. Note that large, self-funded corporate ERISA plans are regulated by the US Department of Labor (See <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/mental-health-and-substance-use-disorder-parity>.) Also note that federal parity law does not apply to Medicare.