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Editorials

Originally published Tuesday, October 14, 2014 at 5:21 PM

Editorial: Ending exclusions under state's mental-health parity law

A Supreme Court ruling bolsters the state's mental health parity law and puts a spotlight on the need for stronger enforcement.

Seattle Times Editorial

A UNANIMOUS state Supreme Court ruling last week provided mental-health advocates with a powerful tool to ensure equal insurance coverage for disorders of the brain and body.

In unequivocal language, the justices tossed out a blanket exclusion of coverage for childhood autism treatments imposed by Regence BlueShield, the state's largest insurer.

The case had hung on a 1989 state law that allowed insurers to limit coverage for neurodevelopmental therapies to children under the age of 7, even though those therapies can dramatically improve the life and learning prospects for a child with autism.

Instead, the court looked to the state's 2005 landmark mental-health parity law, a broader insurance mandate, as the more important benchmark.

The "blanket exclusion of these therapies violates the mental-health parity act," Justice Charlie Wiggins wrote in the case, *O.S.T. v. Regence BlueShield*.

Similar exclusions, by other insurers, for mental-health treatments now appear to be in jeopardy. Microsoft, for example, is being sued for excluding residential treatment centers, which provide a type of inpatient mental-health care.

The stigma of mental health gave rise to such limits, and should diminish as society, the state and nation recognize that mental illness is a treatable illness. The economic cost of untreated mental illness is estimated at \$100 billion a year in the U.S. Those costs manifest as "unnecessary disability, unemployment, substance abuse, homelessness, inappropriate incarceration, suicide and wasted lives," as summarized by the National Alliance on Mental Illness.

The court's ruling, however, raises the question: Why do exclusions continue, nearly a decade after the Legislature passed mental-health parity?

In court filings, Regence pointed to Insurance Commissioner Mike Kreidler's office, noting it allowed the neurodevelopmental therapy exclusion.

The court tossed that aside, but the argument puts a spotlight on Kreidler's record. He has been slow to stand up for the tens of thousands of families struggling to get necessary care for loved ones with mental illness. Astoundingly, his office has not taken a single enforcement action on the law, and a proposed rule to strengthen enforcement has languished in his office for two years.

Kreidler now appears to be engaged. Monday he declared the court's ruling a "huge win." He said his staff was reviewing all insurance plans approved for 2015 to make sure none exclude neurodevelopmental therapies.

"If we find any that do, we will take appropriate enforcement measures to ensure consumers get access to the care they're entitled to," Kreidler said in a statement.

Mental parity is based on a powerful and simple concept: Insurance coverage should be equal for illnesses of the mind and body. But the law is only as strong as its enforcement.

It took the Supreme Court justices, not the insurance commissioner, to bring the muscle.

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