



Advancing Health Care Policy
for Mental Health and Addiction

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ABHW Files Amicus Brief in *Wit v. United Behavioral Health*

Washington, DC (April 14, 2021) The [Association for Behavioral Health and Wellness](#) (ABHW), the national voice for payers that manage behavioral health insurance benefits for over 200 million people, today submitted an amicus curiae brief in support of United Behavioral Health (UBH) in *Wit v. UBH*, which is on appeal in the U.S. Court of Appeals for the Ninth Circuit. The brief focuses on the rigorous process by which plans develop clinical guidelines and the central role of those guidelines in plans' management of member benefits.

Here are a few highlights from the brief:

"Clinical guidelines health plans use to determine coverage and benefits are the products of rigorous processes that aim to balance numerous considerations: safeguarding the goal that plan members receive the treatment most appropriate for their condition, achieving consistency with generally accepted medical standards, and enabling the plan to manage benefits.

"The primary feature distinguishing managed care from the indemnity insurance model is 'management' of healthcare through UM [utilization management] (or utilization review (UR)) to protect against unwarranted utilization of healthcare services—which harms patients and drives up healthcare costs for all members.... Clinical guidelines are an essential tool of UM. They provide structure for analyzing benefits requests to determine the clinically appropriate level of treatment for the members' conditions, while leaving room for reviewing plan clinicians to exercise judgment and respond flexibly to particular circumstances.

"It is not a court's role to condemn evidence-based clinical guidelines that a plan has chosen to apply under its own contracts—even if the court or a party's paid experts believe different standards are better or conclude the plan should have weighed the relevant considerations differently."

Read the full brief: [HERE](#)

The brief also endorses the arguments made by America's Health Insurance Plans (AHIP), which include addressing the district court's errors in its causation, class certification, and remedies decisions.

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[ABHW](#) is the leading health plan association working to improve access and quality of care for mental health and substance use disorders. ABHW's members include national and regional health plans who care for more than 200 million people. Together we work to reduce stigma and advance federal policy on mental health and addiction care. Member companies - Aetna Behavioral Health, AmeriHealth Caritas, Anthem/Beacon, Centene Corporation, Cigna, Kaiser Permanente, Magellan Health, New Directions Behavioral Health, and Optum.