



**FOR IMMEDIATE RELEASE**

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**The Association for Behavioral Health and Wellness (ABHW) Responds to the ERISA Industry Committee’s Lawsuit Against the U.S. Departments of Labor (DOL), Health and Human Services (HHS), and Treasury**

**Washington D.C.** – The Association for Behavioral Health and Wellness (ABHW), the national voice for payers that manage behavioral health insurance benefits for over 200 million people, issued the following statement in response to the ERISA Industry Committee (ERIC)’s lawsuit against the U.S. Departments of Labor (DOL), Health and Human Services (HHS), and Treasury.

The lawsuit demonstrates the frustration employers are experiencing in trying to provide mental health and substance use disorder benefits.

“While we are not involved in the lawsuit, the lawsuit demonstrates concerns with the workability of the Mental Health Parity and Addiction Equity Act (MHPAEA) final rule,” said Association for Behavioral Health and Wellness (ABHW) President and CEO Debbie Witchey. “ABHW strongly supports behavioral health parity and was a leader in the passage of MHPAEA in 2008. However, the final rule imposes vague guidelines and extensive new requirements that overlook critical factors like the quality of care. This rule emphasizes any kind of access to care, even if it is not evidence-based or the appropriate level of care needed. Without receiving appropriate care, patients are at risk of having negative experiences, not recovering well, and having adverse events. At a time when one in five adults in the U.S. experience a mental illness each year, and we continue to face record-high rates of suicide and overdose, the provisions in the final rule compromise the ability of health plans to ensure patients receive the highest quality of appropriate care from providers.”

Further, some provisions in the final rule exceed statutory authority and add complexity and confusion to already opaque and subjective behavioral health parity requirements.

ABHW looks forward to working with regulators and the administration to ensure that MHPAEA implementation is feasible. We request that the Trump Administration delay enforcing the implementation of the final rule for one year to reexamine the provisions and make behavioral health parity attainable through reducing government waste and improving the workability of the final rule so people can access the care they need.

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#### **ABOUT THE ASSOCIATION FOR BEHAVIORAL HEALTH AND WELLNESS**

ABHW is the nation's only health plan association that is exclusively dedicated to improving access and quality of care for mental health and substance use disorders. ABHW's members include national and regional health plans that care for more than 200 million people. Together, we work to reduce stigma and advance federal policy on mental health and substance use disorder care. ABHW member companies – Aetna, a CVS Health Company; CareFirst BlueCross BlueShield; Centene Corporation; Elevance Health; Evernorth; Kaiser Permanente; Lucet; Magellan Health; Molina Healthcare; Optum; and PerformCare, a subsidiary of AmeriHealth Caritas. To learn more, visit [www.abhw.org](http://www.abhw.org) and follow us on [Twitter](#) and [LinkedIn](#).