MENTAL HEALTH PARITY, ETHICS, AND THE LAW:

What clinicians, patients, and advocates should know

SATURDAY, SEPTEMBER 23, 2017

AUSTEN RIGGS CENTER

2017 ERIKSON INSTITUTE
FALL CONFERENCE
FOR CLINICIANS AND SCHOLARS
Dear Colleagues,

Although it has been ten years since the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA or parity law) was signed into law, implementation of parity has been slow. Progress has been made in ending so-called “quantitative” barriers to treatment for mental health and substance use disorders, such as day or lifetime dollar limits to mental health treatment that are more restrictive than those applied to medical or surgical care. However, so-called “non-quantitative” barriers to access to care remain common—including higher utilization review hurdles to access psychotherapy or residential treatment. Government enforcement of the parity law lagged under the Obama administration in part to ensure the support of insurance companies to make Affordable Care Act insurance exchanges work. It is not yet clear whether parity implementation is a priority under the Trump administration, whose focus has been on repealing and replacing the Affordable Care Act. As a result, much of the work toward parity law enforcement and implementation has occurred at the grassroots level through class-action lawsuits and the work of professional organizations.

Our conference this year brings together perspectives from legislators knowledgeable about the politics of healthcare, attorneys involved in class-action lawsuit litigation related to the parity law, and clinicians concerned about access to healthcare and interested in new developments concerning how the parity law impacts the ethical obligations of managed care psychiatrists. The conference goal is to educate clinicians, patients, and care advocates about the current state of the national health insurance landscape, with a focus on parity law implementation. We will also offer a tool kit to maximize the likelihood of gaining insurance support for medically necessary psychotherapy and other psychosocial treatments. Participants are invited to bring their own experience and questions to the conference and to join others in thinking about individual- and systems-level issues related to parity implementation.

Sincerely,

Eric M. Plakun, MD
Conference Director; Associate Medical Director and Director of Biopsychosocial Advocacy, Austen Riggs Center; and Leader, APA Psychotherapy Caucus
When Enforcement Fails: Litigation as a Means to Effectuate Mental Health Parity \textbf{Meiram Bendat, JD, PhD}

Dr. Bendat’s talk will address the failure of the regulatory process to enforce mental health parity and to ensure meaningful access to mental health care.

Meiram Bendat, JD, PhD, is an attorney licensed by the State Bar of California, as well as a psychotherapist licensed by the California Board of Behavioral Sciences. With a background in law, clinical psychology, marriage and family therapy, and psychoanalysis, he has served as a consultant to various mental health organizations and frequently presents on patient advocacy, access to treatment, and mental health parity. He is involved in two class action lawsuits targeting some of the nation’s largest managed care organizations for their restrictive focus on funding treatment exclusively focused on acute presenting problems of mental disorders, while largely ignoring the role of comorbidity, chronicity, and underlying problems beyond presenting symptoms. Dr. Bendat has been interviewed by National Public Radio, The New York Times, Forbes, Psychiatric News, and other media outlets.

Parity and Its Discontents: All Ethics are Local \textbf{Laura B. Dunn, MD}

Dr. Dunn’s talk will explore ethical aspects of parity laws and argue that “all ethics are local,”—i.e., local factors influence the behavior of individual patients and mental health providers, creating population-level ethical tensions related to mental health care.

Laura B. Dunn, MD, is professor of psychiatry in the Department of Psychiatry and Behavioral Sciences at Stanford University, where she serves as the director of Stanford’s Geriatric Psychiatry Fellowship Program and director of the Geriatric Psychiatry Outpatient Clinic. Previously, she was professor of psychiatry, director of psycho-oncology, and the Gloria Hubner Endowed Chair in Psycho-Oncology in the Department of Psychiatry at the University of California, San Francisco. She is board certified in both psychiatry and geriatric psychiatry. Dr. Dunn has extensive research and clinical experience in the evaluation and management of older adults with a broad range of mood, anxiety, behavioral, and neurocognitive disorders. She also has extensive research and clinical expertise in psycho-oncology. In addition, she is an internationally recognized expert in the study of ethical issues in clinical research. She has served as a principal investigator, co-investigator, or consultant on many NIH-funded and foundation-funded studies.

Conference Schedule:

8:30 a.m. \hspace{1cm} Breakfast and Registration
9:00 a.m. \hspace{1cm} Morning Session
12:30 p.m. \hspace{1cm} Lunch
1:30 p.m. \hspace{1cm} Afternoon Session
5:30 p.m. \hspace{1cm} Conference Adjourns

\textbf{Note:} The 2017 Austen Riggs Center Prize for Excellence in Mental Health Media will be presented to the \textit{Boston Globe} Spotlight Team in conjunction with the conference.
Emerging Legislative and Regulatory Trends in Mental Health Care  Ted Kennedy, Jr., JD

Continuing his family’s fight for access to health care, Ted Kennedy Jr., a longtime disability rights activist, will update attendees on the key federal and state legislative and regulatory issues relating to mental health parity implementation.

Ted Kennedy, Jr., JD, is a partner at the law firm of Epstein Becker Green. As a leading health care regulatory attorney, Mr. Kennedy counsels health care clients on the critical legal and reimbursement policy issues and changes facing hospitals, post-acute providers, government and commercial insurance entities, and life sciences companies. He is in his second term as a state senator in the Connecticut General Assembly, where he serves as deputy majority leader and vice chair of the Public Health Committee.

Psychotherapy, Parity, and Ethical Utilization Management  Eric M. Plakun, MD

Dr. Plakun will explore the potential impact of mental health parity mandates and recent clarifications of the American Psychiatric Association and American Medical Association ethical codes on psychiatrists and other clinicians who develop utilization management standards or serve as utilization reviewers. He will also offer a tool kit to maximize the likelihood of gaining insurance support for medically necessary mental health treatment, including psychotherapy.

Eric M. Plakun, MD, is associate medical director and director of biopsychosocial advocacy at the Austen Riggs Center, and former Harvard Medical School clinical faculty member. Editor of two books, including Treatment Resistance and Patient Authority: The Austen Riggs Reader (Norton, 2011), and author of 50 published papers and book chapters, he has presented more than 100 scientific papers. Dr. Plakun is a Distinguished Life Fellow of the American Psychiatric Association, past chair of its Committee on Psychotherapy by Psychiatrists and its Bylaws Committee, and leader of its Psychotherapy Caucus. He is a member of the American Psychiatric Association Assembly Executive Committee, chair of the Assembly Committee of Representatives of Subspecialties and Sections, and past chair of the Assembly Task Force on Psychotherapy by Psychiatrists. Dr. Plakun has been honored as the Outstanding Psychiatrist in Clinical Psychiatry by the Massachusetts Psychiatric Society.

Fees & Registration:

Registration includes breakfast and lunch
$150 early registration by September 1, 2017; $175 after September 1, 2017

Please register online at: www.austenriggs.org/2017FallConference
or call Erikson Institute Education Coordinator Samantha Blache at [413] 931.5230.
BIOPSYPHOSOCIAL ADVOCACY STRATEGIC INITIATIVE

As one of several key Austen Riggs Center initiatives identified through a comprehensive strategic planning process, the Biopsychosocial Advocacy Strategic Initiative is intended to influence the field in three ways:

1. **Clinical advocacy for the importance of psychotherapy and other psychosocial treatments as central parts of psychiatric practice and training within a biopsychosocial model.**

2. **Social policy advocacy for full implementation of the parity law, including careful review of the ethics of psychiatrist utilization reviews for insurance companies that are based on standards that do not comply with the parity law.**

3. **Funding advocacy for a shift in NIMH research funding from its current “either/or” focus emphasizing brain and biology research linked to biomarkers to a “both/and” strategy that restores meaningful access to funding for research into clinical treatment methods, especially psychotherapy research.**

Read more about this and other Riggs strategic initiatives at: www.austenriggs.org/strategic-initiatives

**Learning Objectives:**

- **To list aspects** of current national health insurance law and litigation that are likely to impact meaningful access to mental health treatment under the parity law

- **To explain** the potential impact of recent revisions of the ethical codes of the American Psychiatric Association and American Medical Association on managed care reviewers using review standards that do not comply with the parity law

- **To list elements** of a tool kit for clinicians, patients, and families to maximize the likelihood of gaining insurance support for medically necessary mental health treatment, including psychotherapy
Continuing Education

The Austen Riggs Center designates this live activity for a maximum of 6.0 AMA PRA Category 1 Credit(s)™. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

Riggs also designates this live activity for 6.0 continuing education credits (CE) for psychology and social work.

This live activity has also been approved for 6.0 Nursing Contact Hours as established by Regulatory Authority 244 CMR 5.00: M.G.L. c. 112, §§ 74 and 74A.

The Austen Riggs Center is accredited by the Massachusetts Medical Society to provide continuing medical education for physicians.

The Austen Riggs Center is approved by the American Psychological Association to sponsor continuing education for psychologists. The Austen Riggs Center maintains responsibility for the program and its content. For additional information about this program, please call the Erikson Institute Education Coordinator Samantha Blache at [413] 931.5230 or email samantha.blache@austenriggs.net.

The Austen Riggs Center’s policy on disclosure requires guest speakers to disclose any significant financial interest or other relationship with any commercial supporters of this live activity. In keeping with this policy and the disclosure requirements of the Massachusetts Medical Society, we hereby state that neither the speakers, nor anyone involved in the planning of the CME/CE event, have disclosed a potential conflict of interest. The Austen Riggs Center accepts no commercial support of any kind to support our CME/CE events.

Austen Riggs Center, #1344, is approved as a provider for social work continuing education by the Association of Social Work Boards (ASWB), www.aswb.org, through the Approved Continuing Education (ACE) program. Austen Riggs Center maintains responsibility for the program. ASWB Approval Period: 02/02/2017–02/02/2020. Social workers should contact their regulatory board to determine course approval for continuing education credits. As of July 2015, ACE is accepted in 47 jurisdictions. This does not include the states of New York, New Jersey, and Maine.