



## **Working with your Attorney General's Office on Parity: Tips for Advocates**

The [Mental Health Parity and Addiction Equity Act](#) (the federal parity law) is a federal law that requires health insurers to cover mental health and substance use disorders treatment to the same extent the plans cover other medical or surgical treatments. The implementation of the Affordable Care Act expanded federal parity protections to even more consumers. Responsibility for enforcing the federal parity law is shared between the federal and state governments, with the attorney general of each state tasked with primary enforcement. In addition, almost every state has enacted its own parity law, which also falls within the attorney general's purview. This issue brief provides an overview of the office of the attorney general, as well as tips for working with your attorney general on parity.

### **What Does the Attorney General's Office Do?**

The [attorney general](#) (AG) is the state's chief legal officer. AGs provide counsel to the state legislature and state agencies, propose legislation and enforce federal and state laws. AGs oversee and act as public advocates in many areas of state law, including consumer protection. An AG may or may not be an expert on health or have a deep background in consumer health protection laws. The attorney general's office often has separate divisions or dedicated staff assigned to different issue areas. In many states, health care is one of these areas, providing an opening for health advocates to provide information and initiate advocacy with the AG's office on behalf of health care consumers.

### **Strategies to Build a Relationship with Your Attorney General**

When state advocates build relationships with their AG's office, it helps to ensure that the AG's staff is up to date about the barriers consumers face when insurers and other stakeholders violate state and federal consumer protection laws, such as those related to behavioral health parity. Positioning yourself as a resource that offers helpful information and connections will help cultivate relationships with your AG's office. A strong relationship with the AG's office can be leveraged to help the consumers you serve. To take action for parity enforcement, the AG must understand the depth of the problem, the impact it has on consumers, and specific actions they can take to address this problem.

*Lend help with defining the problem and its impact:*

- Highlight the work they have already done to benefit consumers and frame parity enforcement as an opportunity to continue building upon this reputation.
- Give clear examples of the impact of parity non-compliance. If your organization has regional or county-by-county data illustrating the scope of the issue, offer to provide it.
- Provide contact information for a person or family directly affected by parity violations. Enforcement often requires a test case or cases, specific instances of real consumers who have been harmed by the legal wrong the AG's office is seeking to address.
- Connect your AG's staff with staff at the attorney general's office in New York, a state that has taken decisive public action against insurers for parity violations. Ask what other help they need and try to provide it.

**Once you have the relationship, offer specific recommendations:**

When it comes to parity enforcement, there are barriers that keep consumers from asserting their rights and that keep officials from seeing the true scope of the problem. Here are a few ways that AG's offices address those barriers. Sharing these may help encourage your AG to act on parity violations.

*Improve data collection methods*

- Make it easy for consumers to [report the issues they are having](#) with their behavioral health coverage to the AGO. A health complaint hotline that consumers can call is the most accessible complaints mechanism.
- Let consumers [make complaints](#) without needing to use or understand jargon-heavy language. Consumers rarely understand the nuance of parity law. When consumers recognize a problem with their health insurance it is usually because they can't get the health care they need. . Let the legal experts tease out whether parity has been violated according to state or federal law.
- In some states, the AG has the power to subpoena data from insurers about denials for mental health and substance use disorders coverage. Self-reporting by insurers is unlikely to show the full extent of parity violations. Compelling more complete information on these denials will allow the AG's office to make a more informed determination about the extent to which insurers are complying with parity laws.

*Use data to drive systemic change*

- Look at complaints in the aggregate. Tagging health-related complaints as behavioral health or parity related using specific complaint codes will help the AG's office to see the scope of this issue and to track patterns of violations over time. Violations of a specific kind or insurers with problematic track records can be better identified using this method.

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## **Ask the Attorney General to take action**

With encouragement from health advocates, the Attorney General's office can initiate strong enforcement activities, including pursuing large-scale settlements that stop parity violations and impose penalties that send a message about the importance of parity compliance. To date, [the New York attorney general has announced a total of five settlements with insurers in the state](#), with damages to consumers totaling tens of millions of dollars. Enforcement activities by the AG can also restore damages to consumers who have been wronged and communicate to insurers and to the public that parity is a state priority.

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