

April 5, 2022

Representative Suzan DelBene  
U.S. House of Representatives  
2330 Rayburn House Office Building  
Washington, DC 20515

Representative Mike Kelly  
U.S. House of Representatives  
2322 Rayburn House Office Building  
Washington, DC 20515

Senator Roger Marshall  
United States Senate  
479A Russell Senate Office Building  
Washington, DC 20510

Senator John Thune  
United States Senate  
511 Dirksen Senate Office Building  
Washington, DC 20510

Representative Ami Bera  
U.S. House of Representatives  
172 Cannon House Office Building  
Washington, DC 20515

Representative Larry Bucshon  
U.S. House of Representatives  
2313 Rayburn House Office Building  
Washington, DC 20515

Senator Kyrsten Sinema  
United States Senate  
317 Hart Senate Office Building  
Washington, DC 20510

Senator Sherrod Brown  
United States Senate  
503 Hart Senate Office Building  
Washington, DC 20510

**RE: MHLG Support for H.R. 3173/S. 3018, The Improving Seniors Timely Access to Care Act**

Dear Representatives DelBene, Kelly, Bera, and Bucshon and Senators Marshall, Sinema, Thune, and Brown,

The undersigned members of the Mental Health Liaison Group (MHLG) — a coalition of national organizations representing consumers, family members, mental health and substance use treatment providers, advocates, and payers committed to strengthening access to mental health care and substance use treatment — write to support and endorse your legislation, the Improving Seniors Timely Access to Care Act (H.R. 3173/S. 3018).

MHLG members have long championed legislation to ensure that patients have timely access to mental health and substance use services. As you know, communities are facing an unprecedented mental health and substance use crisis, greatly exacerbated by the COVID-19 pandemic. At the same time, many of our groups have seen a significant increase in the use of prior authorization over the last decade, most egregiously during the pandemic.

We understand that your bipartisan legislation would help protect patients from unnecessary delays in care by streamlining and standardizing prior authorization in the Medicare Advantage (MA) program. As you know, delays and denials of care can have serious and sometimes devastating effects on patients in need of mental health/substance use treatment and services. Removing barriers to patients' timely access to care should enable providers to spend more time treating patients and less time on bureaucratic hurdles.

Our concerns are well documented,<sup>1</sup> including by the U.S. Department of Labor (DoL), peer-reviewed journal articles and surveys.<sup>2</sup> In its January 2022 [report](#) to Congress, “*Realizing Parity, Reducing Stigma, and Raising Awareness: Increasing Access to Mental Health and Substance Use Disorder Coverage*,” the DoL noted stringently or disparately applied prior authorization rules for mental health evidences plan non-compliance with the Mental Health Parity and Addiction Equity Act — the law requiring that group health plans provide benefits on par with the medical and surgical benefits offered.

It is our understanding that your legislation improves prior authorization in two critical ways:

- 1) Requiring more transparency of MA plan’s prior authorization policies and use; and
- 2) Directing the Secretary of the U.S. Department of Health and Human Services to establish an electronic prior authorization program.

Transparency and efficiency in approvals in MA would be groundbreaking improvements for patients and providers who MHLG members serve. Further, taking this important step to protect Medicare beneficiaries would evidence to all health plans that establishing transparent and efficient systems for patients’ timely access to care is the right path forward.

We are pleased to join with more than 275 House co-sponsors (including the majority of members on both the House Ways and Means and Energy and Commerce committees), 25 Senators, and over [450 organizations](#) representing patients, health care providers, and the medical technology and biopharmaceutical industry to support your legislation. It is our hope that the bipartisan nature of the bill, widespread support in Congress and among stakeholders, and the common-sense approach to improving prior authorization will propel this legislation forward in the next moving legislative vehicle.

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<sup>1</sup> See e.g. the following papers

Becker, Jessica, et al. “Prioritizing the Elimination of Prior Authorizations for Inpatient Psychiatric Care: Health Affairs Forefront.” Health Affairs, 23 Oct. 2020, <https://www.healthaffairs.org/doi/10.1377/forefront.20201020.957372/full/>.

Goldman, Dana, John Fastenau, Riad Dirani, Eric Helland, Geoff Joyce, Ryan Conrad, and Darius Lakdawalla. “Medicaid prior authorization policies and imprisonment among patients with schizophrenia.” Am J Manag Care 20, no. 7 (2014): 577-586. <https://pubmed.ncbi.nlm.nih.gov/25295404/>.

Lu, Christine Y., Stephen B. Soumerai, Dennis Ross-Degnan, Fang Zhang, and Alyce S. Adams. “Unintended impacts of a Medicaid prior authorization policy on access to medications for bipolar illness.” Medical Care 48, no. 1 (2010): 4. <https://pubmed.ncbi.nlm.nih.gov/19956079/>.

Mark, Tami L., William Parish, and Gary A. Zarkin. “Association between Medicare and FDA policies and prior authorization requirements for buprenorphine products in Medicare Part D plans.” Jama 322, no. 2 (2019): 166-167. doi:10.1001/jama.2019.6581.

Turner, Ani, George Miller, and Samantha Clark. “Impacts of Prior Authorization on Health Care Costs and Quality.” Altarum, November (2019). <https://www.nihcr.org/wp-content/uploads/Altarum-Prior-Authorization-Review-November-2019.pdf>.

Zhang, Yuting, Alyce S. Adams, Dennis Ross-Degnan, Fang Zhang, and Stephen B. Soumerai. “Effects of prior authorization on medication discontinuation among Medicaid beneficiaries with bipolar disorder.” Psychiatric Services 60, no. 4 (2009): 520-527. <https://pubmed.ncbi.nlm.nih.gov/19339328/>.

<sup>2</sup> See e.g., the following surveys

AMA Survey - care delays, abandoned treatment, adverse outcomes, <https://www.ama-assn.org/system/files/prior-authorization-survey.pdf> and <https://pubmed.ncbi.nlm.nih.gov/32604163/>.

Barnett, Brian S., and J. Alexander Bodkin. “A survey of American psychiatrists concerning medication prior authorization requirements.” Journal of Nervous and Mental Disease 208, no. 7 (2020): 566-573. <https://pubmed.ncbi.nlm.nih.gov/32604163/>.

Kinderman, Robert, and R. Carr. “Are pre-authorization requirements an access barrier to outpatient mental health care for Medicaid enrollees? A survey of providers.” WMJ-MADISON- 103 (2004): 52-55. <https://pubmed.ncbi.nlm.nih.gov/15622820/>.

Thank you for your leadership in advancing this important legislation. If you have any questions, please contact Peggy Tighe at [Peggy.Tighe@PowersLaw.com](mailto:Peggy.Tighe@PowersLaw.com).

2020 Mom  
American Academy of Child and Adolescent  
Psychiatry  
American Association for Marriage and Family  
Therapy  
American Association for Psychoanalysis in  
Clinical Social Work  
American Counseling Association  
American Foundation for Suicide Prevention  
Anxiety and Depression Association of America  
Association for Ambulatory Behavioral  
Healthcare  
Children and Adults with Attention-  
Deficit/Hyperactivity Disorder  
Clinical Social Work Association  
College of Psychiatric and Neurologic  
Pharmacists (CPNP)  
Depression and Bipolar Support Alliance  
Eating Disorders Coalition for Research, Policy  
& Action  
Global Alliance for Behavioral Health and Social  
Justice  
International OCD Foundation  
Maternal Mental Health Leadership Alliance  
Mental Health America  
NAADAC, the Association for Addiction  
Professionals  
National Alliance on Mental Illness  
National Association for Behavioral Healthcare  
National Association for Children's Behavioral

American Group Psychotherapy Association  
American Mental Health Counselors  
Association  
American Nurses Association  
American Occupational Therapy Association  
American Psychiatric Association  
American Psychiatric Nurses Association  
American Psychoanalytic Association  
American Psychological Association  
Health  
National Association of Social Workers  
National Association of State Mental Health  
Program Directors  
National Council for Mental Wellbeing  
National Disability Rights Network (NDRN)  
National Eating Disorders Association  
National Federation of Families  
National League for Nursing  
National Register of Health Service  
Psychologists  
NHMH - No Health without Mental Health  
Postpartum Support International  
REDC Consortium  
SMART Recovery  
The Kennedy Forum  
The Michael J. Fox Foundation for Parkinson's  
Research  
Tourette Association of America  
Treatment Communities of America

cc: Chairman Frank Pallone, Jr and Ranking Member Cathy McMorris Rodgers: House Energy and  
Commerce Committee  
Chairman Richard Neal and Ranking Member Kevin Brady: House Ways and Means Committee  
Chairman Ron Wyden and Ranking Member Mike Crapo: Senate Finance  
Majority Leader Charles Schumer and Minority Leader Mitch McConnell  
Speaker Nancy Pelosi and Minority Leader Kevin McCarthy