

Congress of the United States
Washington, DC 20515

October 29, 2015

The Honorable William J. Baer
Assistant Attorney General
United States Department of Justice
Antitrust Division
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Deborah L. Feinstein
Director
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Assistant Attorney General Baer and Director Feinstein:

We write to express our serious concern regarding pending health insurance company mergers and the potential impact on patient access to care. As your agencies continue to review the possible mergers, we respectfully request your careful consideration of the impact of the proposed mergers on the availability of mental health care and substance abuse treatment.

The National Institute of Mental Health reports that nearly one in five adults had a diagnosable mental disorder within the past year, and a full 20 percent of children aged 13 to 18 had or have a seriously debilitating mental disorder. Yet the Substance Abuse and Mental Health Services Administration has found that 55 percent of counties have no practicing psychiatrists, psychologists, or social workers. Additionally, in 2013, nearly two million Americans either abused or were dependent on opioids. The limited resources for substance abuse treatment are equally alarming; only nine percent of all substance abuse treatment facilities in the United States make medication-assisted treatment available to their patients. While there are plenty of statistics demonstrating the vast scope of America's behavioral health crisis, there are too few resources dedicated to improving the system. Insurance company mergers and subsequently limited competition in the industry threaten to weaken network adequacy, industry accountability, and parity protections even further.

The proposed mergers could have a disproportionate impact on Medicaid beneficiaries who experience higher rates of mental illness than the general population. Medicaid is the largest payer of mental health services in the United States, and over 74 percent of Medicaid beneficiaries are in managed care plans, comprising a large source of revenue for commercial insurance companies. Therefore commercial insurance companies play an important role in the ability of individuals with mental illness and substance use disorders to get the care they need. At the same time, Medicaid beneficiaries with mental illness and substance use disorders have a great deal at risk in the potential mergers.

Ensuring robust accessibility, availability, and coverage for mental health care and substance use disorders demands priority status in negotiations with the large insurance companies, and all Americans deserve assurances that mergers will not result in increased costs or fewer services. We respectfully request that your agencies prioritize adherence to parity laws and the needs and rights of Americans seeking behavioral health services when considering the proposed mergers.

We look forward to working with you to hold the insurance industry accountable to both the spirit and the letter of parity law. Please feel free to reach out to our offices if you have any questions and thank you for your attention to this matter.

Sincerely,



Joseph P. Kennedy, III
Member of Congress



Paul Tonko
Member of Congress



Doris Matsui
Member of Congress



Jan Schakowsky
Member of Congress