

# HAS YOUR HEALTH INSURER DELAYED OR DENIED SUBSTANCE USE OR MENTAL HEALTH CARE? THEY MIGHT BE BREAKING THE LAW!

**State and federal parity laws require most health insurance plans (private and Medicaid) to cover substance use disorder and mental health benefits equally with other medical and surgical benefits. But many don't. (See the "Red Flags" tool for examples at [www.lac.org/parityredflag](http://www.lac.org/parityredflag).)**

## APPEAL

If your health insurance plan denies or delays coverage for substance use or mental health care you have the right to appeal, usually without a fee.

Private health insurance (employer or individual policy), usually has two levels of appeal:

- "internal appeal," where you ask your health plan to reconsider, and
- "external appeal/review," where you ask an independent organization to review your health plan's decision.

Medicaid participants also have the right to a "fair hearing," where a hearing officer reviews the decision made by your health plan or the state Medicaid agency.

You may have the right to request an "expedited appeal," requiring review within 24 to 72 hours, depending on your health condition. In New York, you have additional rights to expedited appeals for substance use disorder care.

### **Pay attention to deadlines!**

To learn how and when to file an appeal, you can look at the denial letter from your health plan or call your plan and ask.

For a sample appeal letter, visit:  
<https://lac.org/parity-guide-sample-letters/>

For help with appeals in New York, call Community Health Advocates at 1-888-624-5400

**If you and your treatment provider disagree with your insurer's decision to delay or deny addiction or mental health care, you can challenge the decision:**

## FILE A LAWSUIT

In addition to filing appeals and complaints, you may have the right to sue your health insurance plan for violating parity. Try to find an attorney with expertise representing people who have been denied health insurance coverage.

For a referral to a qualified attorney, you can contact the New York State Bar Association at 1-800-342-3661 or the New York City Bar Association at 1-212-626-7373.

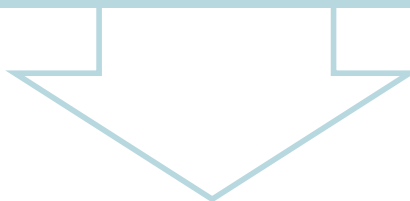
## COMPLAIN TO GOVERNMENT AGENCIES

Several government agencies are responsible for enforcing the parity laws. They look to consumer and provider complaints to identify and fix violations, so it is important to notify them if you see a red flag (see [www.lac.org/parityredflag](http://www.lac.org/parityredflag)) or think your plan may be violating the law. They can investigate and stop system-wide discriminatory practices and may also be able to help you access treatment.

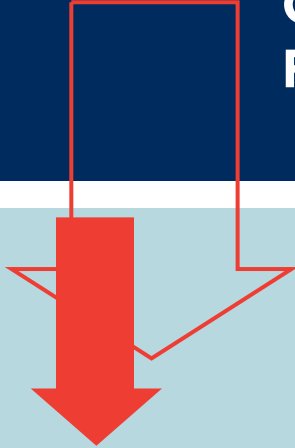
The agency you complain to depends on the type of health insurance you have. But you can complain to any of these agencies, and they will direct your complaint to the appropriate agency.

See next page for key contact information.

**LEGAL  
ACTION  
CENTER**



# CONTACT INFORMATION FOR GOVERNMENT AGENCIES



When filing complaints, specifically ask the government agency to investigate whether your health plan is violating parity laws. For a sample complaint, please visit: <https://lac.org/parity-guide-sample-letters/>

## STATE AGENCIES

### **New York Department of Financial Services**

Online complaint form:  
<http://www.dfs.ny.gov/consumer/conscomplaint.pdf>  
Consumer Assistance Unit: 1-800-342-3736

### **New York Department of Health**

Email: [managedcarecomplaint@health.ny.gov](mailto:managedcarecomplaint@health.ny.gov)  
Phone: 1-800-206-8125

### **New York Attorney General Health Care Bureau**

Online complaint form: <https://forms.ag.ny.gov/CIS/health-care.jsp>  
Helpline: 1-800-428-9071

### **If you are not in New York:**

You can complain to your State Insurance Commissioner or State Medicaid Director.

## FEDERAL AGENCIES

### **U.S. Department of Labor**

Online complaint:  
<https://www.askebsa.dol.gov/WebIntake/Home.aspx>  
Phone: 1-866-444-3272

### **U.S. Department of Health and Social Services**

Email: [phig@cms.hhs.gov](mailto:phig@cms.hhs.gov)  
Phone: 1-877-267-2323

For more detailed information on parity laws and related protections, please refer to *Health Insurance for Addiction and Mental Health Care: A Guide to the Federal Parity Law*, available at [www.lac.org/parityguide](http://www.lac.org/parityguide).



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