

lacrossetribune.com

City sidesteps coverage law; mental health requirement will remain negotiable item

By SAMANTHA MARCUS | smarcus@lacrossetribune.com | Posted: Thursday, January 21, 2010 12:15 am

La Crosse officials said they weren't shirking their responsibility in sidestepping a federal law designed to close the insurance coverage gap between mental health and other types of care.

Smaller businesses and self-insured governments had until Jan. 1 to opt out of the Mental Health Parity and Addiction Equality Act.

La Crosse was among the first to do so.

"Now it's a negotiable item with the unions," Human Resources Director Wendy Oestreich said Wednesday.

But Shel Gross of Mental Health America in Wisconsin was disappointed to see the city use loopholes in the act to make coverage a bargaining chip.

"It's really shortsighted and unfortunate for the city of La Crosse to do that," said state Rep. Sandy Pasch, D-Whitefish Bay, a mental health professional who has sponsored a state parity bill.

But Oestreich said they filed only to leave the city's options open.

Insurance coverage at worst would remain at 2009 levels, which Oestreich called more than fair.

Rich Smith, president of Service Employees International Union Local 180, didn't disagree.

"As it stands, the mental health coverage we have is above the state mandated minimum," the union chief said. "We've got pretty good health insurance as it is."

La Crosse's plan offers full coverage for up to 30 days of inpatient treatment and 15 days of outpatient.

The 2008 Wellstone-Domenici Parity Act requires all employers provide mental health parity, with the exception of businesses with 50 or fewer employees and nonfederal governments providing self-funded group coverage.

That politically was necessary to get the law passed, Mark Roesler-Begalke of Independent Living said of the loopholes advocates claim shortchanges 700,000 Wisconsin residents, including more than 500 city employees and their families.

"When the compromise is we're going to pass this law, but you can opt out of it, what good is that? It's worthless. It was a toothless law," Roesler-Begalke said.

La Crosse County did not consider opting out of the requirement primarily because the county provides mental health services and county officials have advocated for mental health parity.

"One of our primary concerns has been the reliance upon the county and tax levy funding when health insurance plans are not required to provide similar coverage for mental health services as they do for other illnesses," said County Administrator Steve O'Malley. To then opt out as an employer, he said, "would be inconsistent and hypocritical."

County employees as an insurance group had a very low use of mental health services, which O'Malley said also contributed to the decision.

The county's insurance premiums increased less than 1 percent to comply with the law.

Mary Lou Ryan, president of the National Alliance of Mental Illness, La Crosse chapter, was surprised La Crosse could and would threaten to dodge the federal requirements, given the data showing minimal fiscal effects.

State mental health advocates argue the state's mandated minimum, about \$7,000, isn't enough to cover even two days of inpatient care, let alone see someone to full recovery, she said.

The recourse for her and other mental health advocates is Pasch's bill, passed by committees in both state chambers, which will close the federal law's loopholes except in cases of employers with fewer than 10 employees and where costs would increase more than 2 percent.

Mental illness is real, and treatment is key, said state Rep. Jennifer Shilling, D-La Crosse.

“We have a pretty progressive community with several mental health groups and advocacy groups, so I hope they will be able to mobilize and dispel the inaccuracies that are out there,” she added.

Tribune reporter Richard Mial contributed to this story.