

Expansion of Access to Mental Health and Substance Use Disorder Services (S.B. 855)

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On January 1, 2021, Senate Bill 855 took effect and requires health plans and disability insurers regulated by California to expand access to mental health and substance use disorder (“MH/SUD”) services. For MH/SUD providers and their patients, S.B. 855 represents a significant and welcome strengthening of California’s mental health parity law. Unlike under prior law, commercial health plans and disability insurers in California must now cover *all* mental health and SUD conditions at the same cost as physical health conditions. This legislation was motivated primarily to address insufficient coverage of MH/SUD conditions in existing health plans and health insurance policies.

This article presents a brief background to the passage of S.B. 855, a summary of each of its most significant provisions, and key takeaways from the author’s perspective.

BACKGROUND TO SB 855

Mental health parity means health insurance coverage of mental health disorders on terms and conditions that are no less favorable than medical and surgical benefits. To take a simple example: if a health insurance plan covers medications, then it must cover medications not only for treatment of physical ailments but also medication to treat mental disorders. Another example: a health plan cannot make it more expensive to use mental health benefits by imposing out-of-pocket financial responsibility that is greater or more onerous than for medical and surgical benefits.

Generally speaking, the driving force behind mental health parity has been a gradual societal recognition that mental health disorders are a disease of the brain rather than a moral failing on the part of the person suffering from the condition. There is less stigmatization around drug and alcohol addiction; and it too is being recognized as a health condition that requires treatment to improve and hopefully overcome. Mental health parity legislation is part of an overall effort to shift the conversation about drug addiction away from being a criminal justice issue and instead towards being a public health crisis.

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