

Wednesday, March 5, 2008

House Meets At...	Votes Predicted At...
10: 00 a.m. For Legislative Business	Last Vote: 8:00 p.m.
Unlimited "One-minutes" Per Side	

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  - 1) **H.R. 1084** - Reconstruction and Stabilization Civilian Management Act of 2007 (Rep. Farr - Foreign Affairs)
  - 2) **H. Con. Res. 278** - Supporting Taiwan's fourth direct and democratic presidential elections in March 2008 (Rep. Ros-Lehtinen - Foreign Affairs)
  - 3) **H. Res. 951** - Condemning the ongoing Palestinian rocket attacks on Israeli civilians (Rep. Garrett - Foreign Affairs)
  - 4) **H.Con.Res 292** - Honoring Margaret Truman Daniel and her lifetime of accomplishments (Rep. Cleaver – Oversight and Government Reform)
  - 5) **H.R. 4774** - To designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the "Cyndi Taylor Krier Post Office Building" (Rep. Smith (TX) – Oversight and Government Reform)
  - 6) **H.Con.Res. 286** - Expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago (Rep. Moran (VA) – Oversight and Government Reform)
  - 7) **H.R. 5220** - To designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the 'Major Arthur Chin Post Office Building' (Rep. Wu - Oversight and Government Reform)
  - 8) **H.R. 5400** - To designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the 'Sgt. Michael M. Kashkoush Post Office Building' (Rep. LaTourette - Oversight and Government Reform)

- 9) **S. J. Res. 25** - Providing for the reappointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution (Sen. Leahy - House Administration)
  - 10) **H.R. 5159** - Capitol Visitor Center Act of 2008 (Rep. Brady (PA) – House Administration)
  - 11) **H.Con.Res. 307** - Expressing the sense of Congress that Members' Congressional papers must be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers (Rep. Brady (PA) – House Administration)
  - 12) **H.Res.1007** – Expressing the condolences of the House to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois. (Rep. Manzullo – Education and Labor)
  - 13) **H.Res.1013** - Expressing the sense of the Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance Recognizing importance of school breakfast (Rep. Moore (WI) – Education and Labor)
- **H. Res. 1014-Rule providing for consideration of H.R. 1424 – Paul Wellstone Mental Health and Addiction Equity Act of 2007 (Rep. Castor-Rules)**: The closed rule provides two hours of debate in the House with 40 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Energy and Commerce, 40 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Ways and Means, and 40 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education and Labor. Provides that in lieu of the amendments recommended by the Committees on Energy and Commerce, Ways and Means, and Education and Labor, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The rule provides one motion to recommit with or without instructions. The rule provides that in the engrossment of H.R. 1424, the text of H.R. 493, as passed by the House, shall be added at the end of H.R. 1424. Debate on the rule will be managed by Rep. Castor, and consideration will proceed as follows:
    - One hour of debate on the rule.
    - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
    - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **H.R. 1424 – Paul Wellstone Mental Health and Addiction Equity Act of 2007 (Rep. Patrick Kennedy-Energy and Commerce/Ways and Means/Education and Labor):** Pursuant to the rule, debate on the bill will be managed by Energy and Commerce Committee Chair Rep. John Dingell, Ways and Means Committee Chair Rep. Charles Rangel, and Education and Labor Committee Chair Rep. George Miller, or their respective designees, each for forty minutes, and will proceed as follows:
  - Two hours of debate on the bill.
  - Possible debate and vote on a Republican Motion to recommit the bill.
  - Vote on passage of the bill.
  
- **Possible Vote on Overriding the President’s Veto of H.R. 2082 - The Intelligence Authorization Act of 2008.**
  
- **Postponed Suspension Vote:** Today the House will vote on the following suspension bill, which was debated on Tuesday:
  - 1) **H.R.4191** - To redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historic Park", and for other purposes (Rep. Turner – Natural Resources)

## **Bill Summary and Key Issues**

### **PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007 (H.R. 1424) Rep. Patrick Kennedy and Rep. Jim Ramstad**

#### **Summary**

This bill permanently reauthorizes and expands the Mental Health Parity Act of 1996 to provide for equity in the coverage of mental health and substance-related disorders compared to medical and surgical disorders. The legislation ensures that group health plans do not charge higher co-payments, coinsurance, deductibles, and impose maximum out-of-pocket limits and lower day and visit limits on mental health and addiction care than for medical and surgical benefits. The Department of Health and Human Services, the Department of Labor, and the Internal Revenue Service may penalize health plans for discriminatory practices under the bill and individuals may bring a private right of action to receive covered benefits.

#### **Parity Requirements**

The bill does not mandate group health plans provide any mental health coverage. However, if a plan does offer mental health coverage, then:

- **Equity in financial requirements.** The plan or coverage must ensure that any financial requirements applied to mental health and substance-related disorders are no more restrictive or costly than the financial requirements applied to the predominant requirement on comparable medical and surgical benefits that the plan covers. Financial requirements include deductibles, co-payments, coinsurance, and out-of-pocket expenses.
- **Equity in treatment limits.** The plan or coverage must also ensure that any treatment limitations applied to mental health and substance-related disorders are no more restrictive than the treatment limitations applied to

- the predominant limitation on comparable medical and surgical benefits that the plan covers. Treatment limitations include caps on the frequency or number of visits, limits on days of coverage, or other similar limits on the scope and duration of treatment.
- Prohibits discrimination by diagnosis. The plan or coverage must cover the mental illnesses and substance-related disorders included in the Diagnostic and Statistical Manual of Mental Disorders (DSM) – the mental health practitioner’s guide to mental illnesses. This is the same coverage that Members of Congress have.
  - Equality in out-of-network coverage. If the plan or coverage offers out-of-network benefits for medical and surgical benefits under the plan, then it must also offer out-of-network coverage for mental health and substance-related disorders.

### **Scope of Coverage**

- The mental health parity requirements apply to group health plans with 51 or more employees, but does not apply to health coverage in the individual insurance market.

### **Cost Exemption**

- If the requirements in this bill result in increased actual total costs of coverage that exceed 2% during the first plan year or 1% in subsequent years, the plan may choose to be exempt from the equity requirements for the following plan year.

### **Effect on State Mental Health Parity Laws**

- The bill would establish a federal floor but permits states to go further to protect their citizens. This bill would not supersede any state law that provides consumer protections, benefits, rights, or remedies stronger than those in this bill.

### **Transparency in Medical Management**

- Plans will be required to make information about criteria used for medical necessity determinations and reasons for denials relating to mental health and addiction treatment available.

### **Enforcement**

- The Internal Revenue Service may impose a tax of \$100 per day per beneficiary on employers or insurers who do not comply with the equity requirements of this bill. The Department of Health and Human Services and Department of Labor can also enforce the provisions of this bill. Aggrieved individuals may bring a civil action to obtain covered benefits.

### **Government Accountability Office Reports**

The bill requires GAO to produce three reports:

- A study of the bill’s impact on health care costs, access to coverage, quality of care, government spending on mental health and addiction treatment and other public services, and use of medical management by plans.
- A biannual assessment of obstacles beneficiaries face in obtaining appropriate care under their health plans.
- A study of the availability and use of uniform patient placement criteria that can help guide health plans’ determinations of medical necessity.

### **Effective Date**

- The bill is effective in the first health plan year that begins on or after January 1, 2009.

## **SUMMARY OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE PROPOSED TO BE CONSIDERED AS ADOPTED**

The Amendment in the Nature of a Substitute expands the Mental Health Parity Act of 1996 to provide for equity in the terms of employer sponsored health benefits for mental health and substance-related disorders compared to medical and surgical disorders. It ensures that health plans do not charge higher copayments, coinsurance, deductibles, and impose maximum out-of-pocket limits and lower day and visit limits on mental health and addiction care than for medical and surgical benefits. The Department of Health and Human Services, the Department of Labor, and the Internal Revenue Service can penalize insurers for discriminatory practices in plan design under this bill and individuals may sue in court to obtain promised benefits. It includes an increase in the rebate, or discount, that pharmaceutical companies are required to provide to State Medicaid programs for drugs provided to Medicaid beneficiaries. It includes language to prohibit physicians from referring patients to hospitals in which they have an ownership interest, but also provides the ability to grandfather and grow existing physician-owned hospitals.

### **Quote of the Day**

"The future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of bold projects and new ideas. Rather, it will belong to those who can blend passion, reason and courage in a personal commitment to the ideals of American society." -Robert F. Kennedy

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