



For Immediate Release

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Tucson, AZ, May 17, 2022 – Mental health advocates announce that Pima County and the City of Tucson are reaffirming their commitment to employee mental health by opting in to federal mental health parity protections. They will become the first jurisdictions in Arizona to voluntarily discontinue opting out of federal mental health parity requirements after encouragement from mental health advocates.

This means employees will be protected by rights under federal law that were previously unavailable to them. With the change in opt-out status, employees enrolled in the city's or county's health plan who believe their plan has wrongly denied coverage for mental health or substance use services will now have recourse under federal law to challenge those denials and ensure coverage of lifesaving treatment.

Mental Health America of Arizona and Children's Action Alliance, with support from the Kennedy Forum and other local mental health advocates, spearheaded a grassroots effort to educate and encourage local governments to end their opt outs of critical coverage, oversight, and rights under federal law.

The decision by Pima County and the City of Tucson to discontinue opting of the federal parity requirements comes two years after Governor Doug Ducey signed into law Arizona's own mental health parity bill called Jake's Law, named after 15-year-old Jacob Edward Machovsky, who died by suicide in 2016. Jake's parents spent years working toward legislation that would require state enforcement of the federal law for state regulated health plans.

"Our hearts are grateful that Pima County and the City of Tucson are making the right decision to end their opt-out. After being hospitalized twice in one month, Jake was denied medically necessary treatment by our private self-insured employee health plan," said Denise Denslow of the JEM Foundation, "Everything could have been different if our insurer was fully compliant with federal law. We fight for parity so that no family will ever to have suffer a loss like ours. Unfortunately, Jake's Law doesn't apply to self-funded non-federal government plans but Pima County and the City of Tucson are making it right and making a bold and important statement about their commitment to employee mental health by ending their opt-out."

"Supporting the mental health of city and county employees, many who are frontline workers and first responders, is always the right thing to do but has become even more evident after two very difficult years navigating the complexities of a global pandemic and the resulting rise in mental health issues," said Carly Fleege, a board member with Mental Health America of Arizona.

"As a leading organization advocating for the overall health and well-being of children in southern Arizona and throughout the state, we believe it is vital that the children of Pima County and City of Tucson employees are able to access the mental healthcare they need, particularly as we continue to see a rise in youth suicide, depression, and anxiety," said Michelle Crow, the Southern Arizona Director for Children's Action Alliance.

As self-funded, non-federal government employers, Pima County and the City of Tucson have the authority to opt out of federal oversight for certain health care services. Until now, Pima County and the City were two of 15 Arizona jurisdictions exercising the right to opt out.

"There are approximately 35,000 non-federal government self-funded health plans throughout the United States and 99.5% are opted in and in full compliance with federal law. We hope the remaining 13 Arizona jurisdictions that have opted out follow Pima County and the City of Tucson's leadership on this important issue and we will continue to encourage them to do so," said Fleege.

“The federal parity law is, at its core, a landmark antidiscrimination law,” said David Lloyd, senior policy advisor at The Kennedy Forum. “Having parity rights secured for city and county employees and their covered family members is a huge victory. I applaud Pima County and the City of Tucson for their decision and Children’s Action Alliance and Mental Health America of Arizona for their outstanding grassroots advocacy.”

Advocates say access to care, even for those with insurance, remains an enormous hurdle in Arizona which, according to the 2022 State of Mental Health in America report, ranks 49th overall and 49th for youth mental health, representing a high prevalence of mental illness and lowest access to care. Research by Milliman shows that Arizonans are 10 times more likely to go out-of-network for inpatient behavior health facilities than medical/surgical facilities and 6.69 times more likely to go out-of-network for outpatient behavior health facilities.

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About Children’s Action Alliance

Children’s Action Alliance (CAA), www.azchildren.org/, founded in 1988, is a non-profit, non-partisan research, education and advocacy organization dedicated to promoting the well-being of all of Arizona’s children and families.

About Mental Health America of Arizona

Mental Health America of Arizona (MHA AZ), <https://www.mhaarizona.org>., serving Arizona since 1954, is here to educate the community and advocate for all those individuals and families impacted by mental illness. MHA AZ is Arizona’s oldest organization dedicated to all aspects of mental health, mental illness and behavioral health disorders.

About The Kennedy Forum

Founded in 2013 by former Congressman Patrick J. Kennedy (D-R.I.), The Kennedy Forum, <https://www.thekennedyforum.org/>, leads a national dialogue on transforming the health care system by uniting mental health advocates, business leaders, and policymakers around a common set of principles, including full implementation of the Federal Parity Law.

About the JEM Foundation

The JEM Foundation, www.thejemfoundation.com, was founded in memory of Jacob Edward Machovsky who was lost to suicide on January 11, 2016. Its mission is to prevent suicide, support positive changes to mental health care, provide individual and family support for those struggling with mental illness, and remove stigma.

Current Opt Out List: <https://www.cms.gov/files/document/hipaaoptouts03182021.pdf>

Access to Care Research:

<https://mhanational.org/sites/default/files/2022%20State%20of%20Mental%20Health%20in%20America.pdf?eType=ActivityDefinitionInstance&eId=a7a571c8-7fac-4660-b06d-ff88af5c2bec>

https://www.nami.org/Support-Education/Publications-Reports/Public-Policy-Reports/Out-of-Network-Out-of-Pocket-Out-of-Options-The/Mental_Health_Parity2016.pdf

https://assets.milliman.com/ektron/Addiction_and_mental_health_vs_physical_health_Widening_disparities_in_network_use_and_provider_reimbursement.pdf

New York Times Article that Inspired Advocacy: <https://www.nytimes.com/2021/08/31/health/mental-health-insurance.html>