

## Law Suit Filed Against Anthem for Discrimination, Violating Federal Law

April 12, 2013 | [Addiction](#) [1]

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Plaintiffs in this lawsuit claim that CPT coding policy has resulted in decreased reimbursement for psychiatrists, who will now receive 20% less for evaluation and management services than what Anthem pays other physicians.



The Connecticut Psychiatric Society, the [American Psychiatric Association](#), the Connecticut Council of Child and Adolescent Psychiatry have taken their discrimination complaints against Anthem Blue Cross and Blue Shield of Connecticut to court. Along with two individuals, [these organizations are suing](#) Anthem Health Plans claiming their new Current Procedural Terminology (CPT) codes violate the Mental Health Parity and Addiction Equity Act (MHPAEA) and discriminate against patients with mental illness.<sup>1,2</sup>

According to the suit, the plaintiffs asked “the Court to declare that the Defendants’ direct and indirect discrimination against mental health patients is illegal and to compel the Defendants’ compliance with the mandates of federal and state law which require that they provide mental health benefits to their enrollees in parity with the medical/surgical benefits they provide.”<sup>3</sup> Specifically, the plaintiffs claim that the company’s CPT coding policy has resulted in a decrease in reimbursement for psychiatrists, who will now receive 20% less for evaluation and management services than what Anthem pays other physicians. In addition, since the new [CPT codes disallows patients](#) from receiving psychotherapy from a psychiatrist in the same session as the evaluation, the company passes on the direct and indirect costs of additional visits in terms of time burden and additional copayments.<sup>1,2</sup> This practice discriminates against patients with mental illness.

The “APA worked hard to ensure passage of the MHPAEA so that mental health patients would not be deprived of treatment or stigmatized for seeking it,” commented APA President Dilip Jeste, MD. “Anthem, Wellpoint companies, and others throughout the U.S. need to start respecting the law and our members’ patients and not directly or indirectly inhibit access to the treatment for which the patients and their employers have paid.”<sup>1</sup>

The suits follows letters and complaints from the Connecticut Psychiatric Society, the APA, and the Connecticut State Medical Society regarding [the CPT code changes](#). In response, the company released a statement: “We have not been served a complaint. However, we recently received a letter outlining concerns regarding behavior health fee schedule changes for psychiatrists. We have communicated in response to the letter that we will be making changes to our fee schedule. “ The statement further noted, “Anthem Blue Cross and Blue Shield understands how critical access to mental health services is to the overall health of our members.”<sup>2</sup>

### References

1. Press Statement. American Psychiatric Association and Others Seek Court's Intervention in Compelling Anthem and Wellpoint to End Alleged Discrimination Against Mental Health Patients. April 11, 2013. <http://www.psychiatry.org/advocacy--newsroom>.
2. Stuart C. In Lawsuit, Psychiatrists Claim Anthem Discriminates Against Mental Illness. CT News Junkie. April 11, 2013. [http://www.ctnewsjunkie.com/ctnj.php/archives/entry./in\\_lawsuit\\_psychiatrists\\_claim\\_anthem\\_discriminates\\_against\\_mental\\_illness](http://www.ctnewsjunkie.com/ctnj.php/archives/entry./in_lawsuit_psychiatrists_claim_anthem_discriminates_against_mental_illness).
3. APA et al. v Anthem et al. District Court Case 3:13-cv-00494, Document 1. <http://www.ctnewsjunkie.com/upload/psychiatric.pdf>. Accessed April 11, 2013.

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