

New Class Action Lawsuits Asserting Violations of the MHPAEA

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Banner Health and the Kaiser Foundation were recently hit with separate class action lawsuits challenging their denials of certain mental health care coverage. In the case against Banner Health, plaintiffs challenge Banner Health's exclusion of applied behavior analysis therapy from coverage for autism spectrum disorder as "experimental or investigational." Plaintiffs allege that the failure to provide such coverage violates the Mental Health Parity and Addiction Equity Act ("MHPAEA"). The case against Kaiser Foundation challenges the denial of coverage for residential treatment and hospitalization for eating disorders. Plaintiff alleges that physicians determined that hospitalization was needed to treat his severe eating disorder, but he could not get the required authorization from the Kaiser Foundation and the denial violates the MHPAEA. The cases are *Etter v. Banner Health*, D. Ariz., No. 2:17-cv-01288 (filed May 1, 2017) and *Moura v. Kaiser Foundation Health Plan, Inc.*, N.D. Cal., No. 3:17-cv-02475, (filed May 1, 2017).

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