



Organizing a Class Action Suit

Your Mental Health Treatment Task Force is up to the task!



WASHINGTON STATE COALITION OF
MENTAL HEALTH PROFESSIONALS AND CONSUMERS

Advocates for Ethical Mental Health Care

www.wacoalition.org

Spring 2012

New Considerations for the Task Force

Laura Groshong, LICSW, WMHTTF Chair and Coalition Lobbyist

At the Washington Mental Health Treatment Task Force meeting on March 15, the Task Force heard from Ele Hamburger, JD, of Sirianni, Youtz, and Spoonemore (SYS) on the work of her firm regarding class action lawsuits on mental health parity laws, in which they have had some success on autism and neuro-developmental disorders. WMHTTF is considering the possibility of filing a lawsuit against insurers who violate mental health parity laws (and

have restricted mental health treatment for decades), with SYS representing us. A lawsuit would likely be a 2- to 4-year process.

The Coalition Board has agreed to support a class action lawsuit. Below is a summary of what this will involve:

1. *Reasons to Pursue Lawsuit* – While it may be hard to believe, Washington is in a unique position to pursue a lawsuit against insurers to fight mental health parity violations. We have the

strongest state mental health parity law; the national parity law has just passed to back up our law; mental health was just named as an essential benefit in the Affordable Care Act; we have judges who are supportive of mental health parity; and the state parity law having widespread support because of minimum increases in costs. No other state has this combination of positive elements for a parity lawsuit. WMHTTF has considered legal action
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Save the Date

- MAY 1 / PAGE 4
7:30 TO 9:00 P.M.

Coming Event

May 1
Tuesday

7:30 to 9:00 p.m.

“How to Write an Appeal When Mental Health Treatment is Denied”
Ele Hamburger, JD

Good Shepherd
Senior Center
4649 Sunnyside Ave N
Seattle 98103

See Page 2

From the Chair

Happy Spring! We hope you have all enjoyed our easy “one click” Coalition renewal. We appreciate you—our loyal members.

This spring, the Coalition will be focused on supporting the Washington State Mental Health Treatment Task Force headed by our lobbyist, Laura Groshong, LICSW, in exploring the possibility of a class action lawsuit related to Washington State

Sue Wiedenfeld, PhD
Chair

insurance company violations of mental health parity. [Do read her article in this newsletter.](#)

On May 1, Ele Hamburger, JD, one of the attorneys involved in this process, will teach us how to file an appeal whenever mental health treatment is denied, our way to participate in the class action suit. Most months

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Laura Groshong

from our inception to get insurers to comply with mental health parity laws but hoped that other methods could be used to solve the problems, i.e., discussions with the Health Care Authority, legislators, the Office of the Insurance Commissioner, the Governor's Office, and insurers themselves. Over the past eight months, it has become clear that these methods will be insufficient to create the changes that are needed.

2. *Legal Action on Mental Health Parity Laws* – Ms. Hamburger has explained that if we want SYS to take on this lawsuit, the most effective way would be to make the suit contingent instead of pro bono. This would require WMHTTF making a payment of \$20,000-30,000 towards the lawsuit, as a gesture of good faith and to allow SYS to begin the process of developing the case. Each participating organization would contribute a minimum of \$1500; individual members will have the

opportunity to make contributions as well. The rest of their costs (\$100,000-150,000) would be from the judgment from the lawsuit against the named insurers. WMHTTF would sign a contingent retainer to hire SYS in this capacity. This would ensure that the lawsuit would be initiated ahead of the other lawsuits that SYS is considering.

3. *Gather Information on Denied Appeals* – Ms. Hamburger stated that the best tool for pursuing a lawsuit would be to have a 'library' of denied appeals. If cases have not been appealed, their usefulness in a lawsuit is diminished. The task force could easily create a Survey Monkey document to collect this information.

4. *Finding a Plaintiff* – To file a lawsuit on mental health parity violations, a plaintiff who has been harmed by the parity violations must be identified. One plaintiff (a patient) is enough, but many cases will need to be

reviewed to find the right one. The task force would collect and pass on possible cases to SYS. The plaintiff we eventually use would need to be willing to be identified, though initial screening information from possible plaintiffs would be redacted.

5. *Continued Subcommittee Work* – The work that the task force has been doing with regard to defining psychotherapy diagnosis and treatment; reviewing outcome tools; comparing codes of ethics; developing a mental health benefits survey; analyzing mental health parity laws; and defining psychoanalysis diagnosis and treatment will continue and be very useful to the lawsuit.

Make no mistake, this is a big project. But if we do not pursue it, clinicians can expect to see continued lowered reimbursement fees, continued denials of Axis II disorders, continued restriction of treatment frequency, and continued restriction of length of treatment.

CONTACT US

E-mail:
wacoalition@frontier.com

Website:
www.wacoalition.org

Save the Date—Tuesday, May 1, 7:30-9:00



Ele Hamburger, JD, from the firm of Sirianni, Youtz, and Spoonmore, will give a presentation on how to write an appeal when mental health treatment is denied.

Attendance at the meeting is free. One and one-half hours of CEUs will be available for \$15.

There will not be a General Meeting of the Washington Mental Health Treatment Task Force for all members of affiliated groups in April.

Participating groups include Seattle Psychoanalytic Society and Institute;

Washington State Coalition of Mental Health Professionals and Consumers; Washington State Society for Clinical Social Work; National Association of Social Workers, Washington Chapter; Washington Mental Health Counselor Association; Wellspring Family Services; Samaritan Center of Puget Sound; Child Therapy Association; Northwest Center for Psychoanalysis; and Northwest Alliance for Psychoanalytic Study.

WASHINGTON STATE COALITION OF MENTAL HEALTH PROFESSIONALS AND CONSUMERS
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Newsletter

Blake Werner, PsyD Editor
Publisher The Word Shop

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One of the best ways to generate legislative support for Coalition goals is to elect legislators who support those goals. MH-PAC has collected and distributed more than \$40,000 during its existence, helping dozens of legislators become elected. For the past 12 years, the Coalition has been the lead organization of the political action committee MH-PAC, together with six other mental health organizations. For those of you who are not familiar with MH-PAC, here is a brief overview.

What is a PAC?

A PAC is the generic name for a Political Action Committee. These committees collect money to support political candidates. In Washington, there are limits on how much money can be given to a candidate in an election cycle. No PAC can

give more than \$800 in the primary election, and then \$800 in the general election, or a total of \$1600 per election cycle.

Why was the MH-PAC formed?

MH-PAC was formed in 2000 to give mental health groups increased influence over who is elected to the state legislature. Legislators make the decisions that affect laws governing the way we conduct our mental health practices and the access our patients have through insurance or privately. Electing officials who share our views on delivery of ethical mental health treatment is much easier than educating them once they are in office. MH-PAC collected and distributed approximately \$9500 in the 2008 election cycle, and has collected and distributed about \$50,000 during the past 10 years.

What is MH-PAC?

MH-PAC is the name of

our PAC. The Washington State Coalition of Mental Health Professionals and Consumers allows MH-PAC to use its bank account to deposit and distribute money. In addition to the Coalition, the groups that actively support MH-PAC include Child Therapy Association, Northwestern Psychoanalytical Society, Northwest Alliance for Psychoanalytic Study, Northwest Center for Psychoanalysis Seattle, Washington Mental Health Counselors Association, Seattle Psychoanalytic Society and Institute, and the Washington State Society for Clinical Social Work. All these groups share the Coalition's concerns about the availability of ethical mental health treatment and the protection of confidentiality and choice. While this is our primary focus, MH-PAC may support candidates who focus on related issues such

(Continued on page 4)

MH-PAC seeks volunteers

Time Commitment

- 4 months
- 1 meeting each month

Tasks

- Sending/sorting questionnaires to candidates
- Collecting money
- Connecting with legislators
- Meeting candidates
- ...and more

Contact

Barbara Sardarov
MH-PAC Chair
sardarb48@aol.com

by April 20

HB 2536 Concerning the Use of Evidence-based Practices for the Delivery of Services to Children and Juveniles

Thanks to the many Coalition members who wrote to Rep. Dickerson objecting to her comments on KUOW regarding the use of evidence-based practice in state-funded mental health treatment with children. She had sponsored a bill to require the use of evidence-based practice, HB 2536.

Thanks to the strong response, a change was made to the bill in the Senate version to include organizations representing Washington practitioners. I hope that the Coalition will be included in the group development of accepted mental health treatment practices by DSHS over the next two years.

I am very grateful for the outstanding response of Alliance members so that we can be involved in the development of accepted mental health treatment methods for children, should this bill pass the Senate and be signed by the Governor.

Laura W. Groshong, LICSW

as public funding of mental health treatment, residential or inpatient mental health settings, etc. Our involvement will help increase the political clout of all the participating groups.

Who can receive money from MH-PAC?

Funds collected can *only* be spent on state or local candidates, not federal, candidates. Decisions about how money is spent are made by the MH-PAC Board.

Are MH-PAC donations tax deductible?

No.

How does MH-PAC determine who receives a contribution?

Contributions to candidates from **MH-PAC** are generally based on 1) answers to the questions on the questionnaire and in other contacts with the Board; 2) whether a candidate is likely to win the race he or she is in; 3) how much money a candidate has collected

and how much doorbelling has been done to assess how hard a candidate is willing to work; 4) how much a candidate needs financial support, i.e., a candidate in a close race needs more money while a candidate running unopposed does not; and 5) how much a candidate has supported mental health goals in the past.

A PAC is the generic name for a Political Action Committee. These committees collect money to support political candidates.

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From the Chair

there are Task Force meetings on the first Tuesday evening, in the Senior Center at the Good Shepherd Center. Watch for e-mails with details and new information.

Like the Coalition, the Task Force is example of the power of mental health groups working together in support of quality mental health. We do have the power to make changes; we do not have to passively accept policies that violate our state or national law, or our principles.

The election this fall will be important as a time to recruit more legislative support related to all of the mental health issues we care about. If you would like to participate in the Mental Health PAC, please contact Barbara Sardarov, this year's PAC chair, at sardarb48@aol.com. This PAC has a record of excellent success with educating and then supporting candidates who endorse quality mental health. And this is a key year to have that support in place. Please help if you can. It is a few meetings,

very interesting, and for only a few short months. We need to step up to this task while Laura heads the Task Force effort, critical and important right now.

We look forward to seeing you at some Mental Health Task Force Meetings! You will be glad you came, and it will keep you up to date on this important endeavor. In the meantime, if you haven't renewed, do it today at www.wacoalition.org.

Sue Wiedenfeld
Coalition Chair

Join the Coalition
Dues
Member \$65
Student \$15
Consumer Free
Mail to
P O Box 30087
Seattle, WA 98113-2087

Coalition members and friends!

Renew your membership today! Keep yourself up to date regarding changes in mental health related to health care reform, and state issues like the changes in the Uniform Medical Plan. Read the several articles in this newsletter about these topics. Don't miss a future Newsletter! This is a time when you will want to track what the Coalition is doing to preserve and protect quality psychotherapy.

Invite a friend to join the Coalition. Forward the on-line newsletter that describes what we do. Remember, The Coalition represents all disciplines. **More members strengthen our message.**

RENEW TODAY!!

Be sure to give us all your information so we can update your membership for the new directory. Renewal form, page 7

Member Profile

Meet Blake Werner, PsyD

Hello! My name is Blake Werner. I am a licensed psychologist with a clinical specialty in geropsychology. I am dedicated to addressing the psychological and psychosocial needs of older adults and their families.

I provide assessment, consultation, and treatment for mental health disorders and late-life problems that older adults often face. I also provide capacity assessment for guardianship proceedings and consultation to skilled care and assisted-living facilities. I see patients at my office or in their home or care setting.

The population with which I work has aged over the years as I have, with more than 35 years of experience.

I began my career working with children as a

school psychologist in Wisconsin. I later worked with adults in human resource and organizational development. I worked in a wide range of organizations and industries both in the US and overseas including Saudi Arabia, where I lived for more than 13 years. Living in the desert, to some extent, prompted my move to the Pacific Northwest. I thought it would be great to live in a place that is cool, green, and lush. (I guess I didn't realize just how much it rains to achieve that!)

My wife, Claudia, is a registered nurse (she also worked in Saudi Arabia, at the same place and time I did; however, we didn't meet until I moved to Seattle, but that's another story). We live in Bellevue and have a cat, Bobbi.



We both love to travel, hike, and are in the process of exploring new ways to keep ourselves cognitively fit. Working with older adults, I am always preaching, "Use it or lose it!"

I have been a Board member of the Coalition since 2005. The multidisciplinary focus on the various issues affecting ethical mental health is what drew me to membership and continues to do so. Please help us spread the word!

Warmly,

Blakely Werner, PsyD
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www.agewellpsychology.com



The Coalition represents a multidisciplinary group of professionals and consumers addressing a broad range of mental health needs in children, adolescents, and adults.

Our board is equally diverse. Board members have included psychiatrists,

psychologists, MFTs, LICSWs, LMHCs, and other professionals. They also bring a wide range of experience and special interests that serve to broaden the knowledge base of our members, such as skills with special populations, use of the Internet, and understanding of legal and ethical issues associated with mental health.

From time to time, we have a need to replace a

board member. Are you interested in:

- Preserving choice, confidentiality, integrity, and quality in our mental health services?
- Lobbying to educate legislators about quality mental health care?
- Educating and supporting mental health professionals and consumers?
- Influencing political and insurance industry

policy to include mental health as a vital component of health care?

- Empowering mental health consumers to influence health care reform?

If so, please consider becoming a member of the Coalition Board! No pay, but great rewards! Please contact Sue Wiedenfeld, Coalition Chair, 206-323-6909 or swiedenfeld@me.com.

Letters



Dear Seasoned Therapist,
I have had an insurance claim denied and am not sure what to do. I'd like to advise my client (and I'd like to get paid!). What's your advice?

Denied

To begin with, talk with your client about what is going on. These days this may become a more common scenario, as the definitions and processes of mental health parity are defined and designed. And while this type of advocacy may feel like it's out of the realm of our normal clinical practice, going through the process can be empowering professionally and personally, particularly if you seek help from other therapists who can guide you and provide moral support.

As a supporter of the Coalition you can rest assured that you are supporting one of the most significant organizations for the protection of quality mental health care in the State of Washington—good for you!

It is the goal of insurance companies to limit costs and maximize profits.

If there is any chance they can refuse a claim, they will try. So to begin, you must document the denial. Call the company, clarify their denial, get the relevant e-mail address and then, VERY IMPORTANT, send an email confirming what you have been told. You are now creating documentation that is much more robust than a "well, the person on the phone told me...".

You and the client will then receive a letter confirming the denial. You and the client then have the right to a FORMAL APPEAL; this may be a three or four step process.

It does take work to go through the appeal process, but it can be a healthy way for the client to focus their anger on a legitimate target. Insurance companies have gotten in the habit of deciding what mental health treatment is needed, a habit we need to question.

Most appeals are denied. The final appeal is to an independent reviewer outside the insurance company which is where most approvals take place.

It is also helpful for you and your client to file complaints with the Office of the Insurance Commissioner at 1-800-562-6900.

Fortunately, the next General Meeting of the Washington Mental Health Treatment Task Force will address the process of writing an appeal head on. Ele Hamburger, JD, from the firm of Sirianni, Youtz, and Spoonemore, will give a presentation on how to write an appeal when mental health treatment is denied. Appealing all denied mental health treatment requests is important to building a strong case for mental health treatment that is covered according to the state and federal mental health parity laws. Appeals that will be covered include denials by diagnosis, by frequency, by length of treatment, and because treatment does not comply with Milliman Guidelines.

Attendance at the meeting is free. One and one-half hours of CEUs will be available for \$15.

Be persistent; document, document, document, and connect with others going through the same process. Together we can work toward the goal of ethical and quality mental health care for all!

Have a practice question? Let us know!

IF YOU ARE NOT GETTING E-MAILS ABOUT OUR EVENTS, please E-mail us with your CURRENT E-mail address: wacoalition@frontier.com . This is the best way to get Coalition news.

Who Ya Gonna Call !?!?!?!?

**Coalition Helpline:
206-444-4304**

**Who's My Legislator:
1-800-448-4881
(State and Federal)**

**Legislative Hotline:
1-100-562-6000**

Washington Mental Health Treatment Task Force

There will not be a General Meeting of the Washington Mental Health Treatment Task Force for all members of affiliated groups in April. Stay tuned for information regarding upcoming meetings on this very important topic. "Make your voice heard on ethical psychotherapy benefits!"

Membership Renewal

Information for the online directory will be taken from this renewal form. Please complete all parts.

NAME _____ Degree _____ Type of Credential _____

ADDRESS _____

City _____ State _____ ZIP _____

PHONE Office (_____) _____ - _____ Email _____

LOCATION OF PRACTICE

City _____

Neighborhood _____

PROBLEMS TREATED

- ____ Abuse
- ____ Addiction
- ____ Anxiety/Depression
- ____ Bipolar
- ____ Grief and Loss
- ____ LBGTQ
- ____ Learning Issue
- ____ Medical Issues/Pain Managements
- ____ PTSD
- ____ Relationships
- ____ Stress
- ____ Work/Career

SPECIALTIES

- ____ Elders
- ____ Adults
- ____ Adolescents
- ____ Children
- ____ Infants
- ____ Family
- ____ Couples

PREFERRED TREATMENTS

- ____ Psychoanalytic
- ____ Cognitive-Behavioral
- ____ Interpersonal
- ____ Eclectic
- ____ EMDR
- ____ Somatic Transformation

_____ Please check if you **do not want** to be included in the directory

_____ Please check if you are willing to volunteer for the Coalition

____ occasional time-limited tasks ____ I will help with political efforts

____ ask me about other needs you have ____ I will help with newsletter or membership (circle)

Legislative District: WA: _____ National: _____ Don't know? Call 1-800-448-4881

I/WE can support the Coalition at the following level:

Professional Membership: ____ \$65 ____ \$115 ____ \$250

Student Membership: ____ \$15 ____ \$25 ____ \$65 Consumer Membership: FREE!

THANK YOU for supporting quality mental health by being a member of THE COALITION

Send this form to: THE COALITION, ATTN: MEMBERSHIP

P. O. Box 30087 • Seattle, WA 98113-2087

<http://www.wacoalition.org>

The Coalition of Mental Health
Professionals and Consumers
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Seattle, WA 98113-2087

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or E-mailing Changes to www.wacoalition@verizon.net*

Name _____

Address _____

Phone _____ Fax _____

E-mail _____

OK to publish information in the Directory? Yes _____ No _____

Willing to help with specific tasks? Yes _____