

# SIRIANNI YOUTZ SPOONEMORE HAMBURGER



## DISABILITY RIGHTS WASHINGTON

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### FOR IMMEDIATE RELEASE

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### **Court orders Regence to cover neurodevelopmental/mental health services without age limit Order will expand coverage for more than 1.5 million Regence insured.**

SEATTLE - US District Judge Richard A. Jones enjoined Regence Blueshield from excluding coverage of neurodevelopmental therapies to treat mental health conditions for insureds over seven years old. The injunction, issued Friday, January 24, 2014, applies to all Washington Regence plans purchased by private employers, affecting approximately 1.5 million Washington insureds.

Disability Rights Washington (DRW), which purchases Regence coverage for its own employees and their families, along with two other plaintiffs, both children with autism, sued Regence to eliminate its exclusions and visit limits imposed on services to treat individuals with developmental disabilities, such as neurodevelopmental therapies (like speech, occupational and physical therapies) and Applied Behavior Analysis (ABA) therapy to treat autism. The Court's order granting preliminary injunction is the first decision in the litigation.

"Persons with mental health conditions have been subjected to discriminatory exclusions and limitations in health coverage for decades," said Mark Stroh, Executive Director of DRW. "This is the exact kind of discrimination that the Mental Health Parity Act was designed to end. As a civil rights organization and an employer, DRW had to take action to make sure that the coverage we purchase for our employees and their families does not discriminate. Today we are one step closer to ensuring that insurance coverage in Washington does not unfairly exclude persons with developmental mental health conditions."

At issue was whether neurodevelopmental therapies designed to treat mental health conditions like autism are covered by the Mental Health Parity Act. If so, DRW and the plaintiffs

argued, insurers like Regence cannot completely exclude coverage of the therapies when they are medically necessary.

Arzu Furough of the Washington Autism Alliance and Advocacy praised the outcome of the decision.

“This decision is a watershed moment for me and members throughout the state who have struggled to fund therapies for their children,” said Furough. “It is unfortunate Regence has refused to cover medically necessary treatments. It's very sad to know neurodevelopmental therapies are available but not attainable because one can't afford them and insurance doesn't cover them.”

The injunction against Regence is the latest and largest in a series of injunctive orders against Washington insurers, including similar court decisions against Group Health Cooperative and Premera.

“This should be a wake-up call for all other insurers in Washington,” said Ele Hamburger of Sirianni Youtz Spoonemore Hamburger. “The Mental Health Parity Act does not permit blanket exclusions and special treatment limitations on coverage for mental health conditions. All insurers should take action now to eliminate such unfair exclusions.”

“The Mental Health Parity Act promised that services to persons with mental conditions would be covered at parity with medical and surgical services,” said Rick Spoonemore of Sirianni Youtz Spoonemore Hamburger. “Judge Jones’s decision takes a giant step forward to fulfill that promise. Regence can no longer use its neurodevelopmental exclusion to avoid coverage. Instead, Regence must undertake an individualized determination of medical necessity of the requested service.”

**Available for interviews:**

One parent of the lead plaintiff K.M. is available for interview. Please contact Ele Hamburger to speak to K.M.’s parent.

Arzu Furough, C.E.O. of Washington Autism Alliance, 425.590.7231

**Related media:**

Oral argument will be posted on the Court’s website:

<http://www.wawd.uscourts.gov/attorneys/cameras-in-the-courtroom/hearings>.

[Sirianni Youtz Spoonemore Hamburger website](#)

[Disability Rights Washington website](#)

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*Disability Rights Washington (DRW) is a private non-profit organization that protects the rights of people with disabilities statewide. The mission of DRW is to advance the dignity, equality, and self-determination of people with disabilities. DRW works to pursue justice on matters related to human and legal rights.*

*Sirianni Youtz Spoonemore Hamburger is a Seattle litigation firm that has been serving local, national and international clients since 1981. Litigation practice is wide and varied.*