



Cincinnati Law Library News

A Monthly Newsletter from the Cincinnati Law Library Association

December 2008

Mental Health Parity Act and Other Developments

By Linda R. Mendel

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Three recent developments may impact employer health plans.

1. Mental health parity law will require plan redesign.

A new mental health parity law – the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act – was included in the recent Emergency Economic Standardization Act. There is a small employer exemption for group health plans sponsored by an employer with 50 or fewer employees. The law is effective January 1, 2010 for group health plans operated on a calendar year and the first plan year starting after October 3, 2009 for other group health plans. The effective date for collectively bargained plans is based on the date of the expiration of the current collective bargaining agreement.

The mental health parity law will apply to every group health plan that includes coverage for medical conditions along with any type of coverage for mental health conditions and/or substance abuse disorders. For many companies, compliance will necessitate significant group health plan

redesign for 2010. Under the mental health parity law:

- Limits on out-patient visits and in-patient days for the treatment of covered mental health conditions and substance abuse disorders cannot be more restrictive than visit and day limits applied to treatment of medical conditions.
- The co-pays, deductibles, coinsurance, annual limits and lifetime limits applied to the treatment of covered mental health conditions and substance abuse disorders cannot be greater than the co-pays, deductibles, coinsurance, annual limits and lifetime limits applied to the treatment of medical conditions.
- If a group health plan provides out-of-network coverage for the treatment of medical conditions, it will

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Tech Tip: ALI-ABA CLE Material Online

Julie Koehne, Assistant Law Librarian

If you have been to the Law Library recently, you may have noticed that our hardcopy CLE collection has become increasingly smaller. We have withdrawn older material from our collection and placed it on our free shelves for the taking. In addition to new editions of many CLE books, we also have **current CLE material available online through our ALI-ABA subscription**. This material may be checked out electronically for seven days.

To get started click the ALI-ABA Topical Knowledge Portal link on the Libraries interactive desktop.

CLE
[Practical Litigator, CLE Manuals, and ALI-ABA forms from ALI-ABA Direct-to-Library](#)
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After clicking on the link a webpage will open to the Knowledge Portal Homepage. To find a particular CLE you can use, enter a keyword in the Find search box or click on the Subject and browse the different titles.

When you find a title you desire you are able to email a link to yourself. At this point you will be able to view this material from the comfort of your home or office for seven days.

have to provide a similar level of out-of-network coverage for the treatment of mental health conditions and substance abuse disorders.

2. A child who leaves college for medical reasons will retain “full-time student” status.

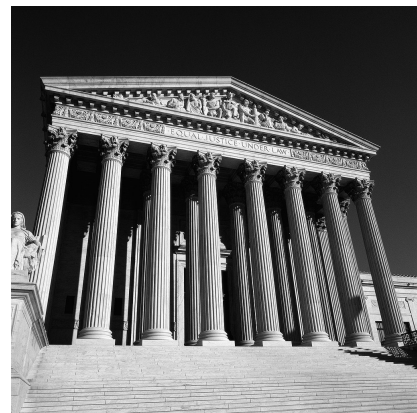
Michelle’s Law goes into effect January 1, 2010 for group health plans operated on a calendar year and the first plan year starting on or after October 9, 2009 for other group health plans. Most group health plans provide that employees’ children are eligible for coverage up to (a) a specified age (e.g., 19) without reference to student status, and (b) an older age (e.g., 23) only if the child is a full-time student. Michelle’s Law changes the rule for the second group. If an otherwise eligible child leaves college due to a serious illness or injury, the plan will have to continue to treat the child as a full-time student for up to 12 months.

3. Watch for state and local pay-or-play initiatives.

The Ninth Circuit Court of Appeals recently upheld San Francisco’s health care security ordinance. The San Francisco health care security ordinance generally requires that employers make health care expenditures of \$1.76 per hour for each covered employee. The Ninth Circuit case upholding the ordinance is a concern even for companies that do not have employees in San Francisco. The Ninth Circuit’s green light to San Francisco may encourage other cities and states to follow San Francisco’s lead in mandating that employers pay a penalty if they fail to provide specified levels of health

benefits to employees. The status of such laws will remain murky until the issue reaches the Supreme Court. A 2007 Fourth Circuit decision struck down Maryland’s pay-or-play law and pay-or-play laws in Massachusetts and Vermont have yet to be challenged in court.

Ms. Mendel is of counsel in the Vorys Columbus office and a member of the labor and employment group. Her practice is concentrated in the area of employee benefits. Ms. Mendel works with employers and multiemployer plans on health and welfare benefit plan issues, including employee communications, compliance with the Employee Retirement Income Security Act (ERISA), the Health Insurance Portability and Accountability Act (HIPAA), and the Consolidated Omnibus Budget Reconciliation Act (COBRA), tax issues, and vendor contracting.



Update on County Law Library Legislation

By Mary Jenkins, Law Librarian & Director

The Senate Finance and Financial Institutions Committee held hearings on SB345 on November 12 & 13, 2008. This legislation would, in a nutshell, create a county law library resources board in each county and provide that each county law library resources board is responsible for coordinating legal research and reference material for county offices, courts, and county departments.

Several proponents, representing major stakeholders and the Task Force on County Law Libraries, described the legislation and its compromises and spoke of the importance of the continued viability of the libraries and the resources and services they provide the courts, counties, attorneys, and the public while acknowledging the call for increased public oversight.

The Ohio Prosecuting Attorneys Association raised a question about one provision which will be addressed with an amendment. What's next? Since support for the legislation is strong, we still anticipate its passage this session. I will include an update in the next newsletter.

Maintaining sanity

By Glenna Herald

Researching laws, regulations, cases, and issues affecting health care and medical insurance can be crazy-making. To help you keep both oars in the water, the Cincinnati Law Library Association makes the following resources available electronically to its membership.

BNA's Pension & Benefits Reporter

Published weekly, this resource monitors health benefits, health care reform, health cost containment, retiree health benefits, and much more.

CCH Benefits Library

This library offers daily news updates including cases, administrative agency news, and congressional activities influencing health care and medical insurance in the United States. In addition, the Benefits Library houses a Forms database, newsletters regarding COBRA and Benefits Management, and a Primary Source database.

If you would like further information regarding these and other resources, please do not hesitate to ask.

Member Benefits

All members have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for **up to 6 weeks** at a time

Access to extensive electronic databases from the Law Library, including **LexisNexis**, **Shepards'**, **CCH Omnitax**, **CCH Human Resources Group**, and **CCH Business Group** resources, **Hein Online** Law Journals and Federal Register, and over 70 **Aspen / LOISLaw** treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom **videoconferencing**

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Professional **reference service** by our law librarians, available via e-mail, telephone, and in person;

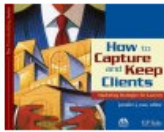
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Something New

We recently incorporated book cover images into the library catalog. Although many books don't have cover images, when you do see one, it can help you find a book on shelf.

3. 30%  [How to capture and keep clients : marketing strategies for lawyers / Jennifer J. Rose, editor.](#)
Location Main Room Treatises
Date: c2005.

Holiday Closings

The Cincinnati Law Library Association will be closed on Thursday December 25, 2008 and Thursday January 1, 2009. Happy Holidays!

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