

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION FOR COMMUNITY
AFFILIATED PLANS, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TREASURY, et al.,

Defendants.

Civil Action No. 18-cv-2133

DECLARATION OF DAVID A. FASSLER, MD

I, David A. Fassler, MD, declare and state as follows:

1. I am a board-certified child and adolescent psychiatrist practicing in Burlington, Vermont. I graduated from the Yale University School of Medicine, completed my adult psychiatry residency at the University of Vermont and my child and adolescent psychiatry fellowship at Cambridge Hospital, Harvard University. I am a clinical professor of psychiatry at the University of Vermont and a Distinguished Fellow of the American Psychiatric Association (APA) where I have been an active member for 33 years, served as chair of the Council on Children, Adolescents and Families, and as Treasurer of the Board of Trustees. I am the founder and Clinical Director of Otter Creek Associates, an interdisciplinary group practice providing comprehensive mental health and substance use treatment services for children, adolescents and families. We have over 100 affiliated clinicians who provide care to approximately 5,000 patients per year through 8 offices in Vermont.

2. A significant number of our patients are insured by plans purchased through the Affordable Care Act (ACA) marketplace (ACA Plans).

3. A substantial portion of Otter Creek's patient population are children and adolescents. There is a regional and national shortage of psychiatrists for this population.

4. After passage of the ACA, there was a significant increase in the number of patients who were able to access treatment because they were able to obtain health insurance coverage. Many of our current patients (both children and adults) have individual insurance policies and have been able to acquire them because the Affordable Care Act prohibits discrimination against people with preexisting conditions and because of the requirement that treatment for mental health and substance use disorders be covered and covered at parity with all other medical care.

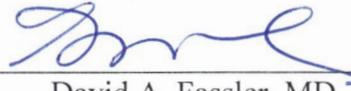
5. Insurance coverage which allows access to comprehensive treatment for mental health and substance use disorders is of critical importance -- especially for children and adolescents. Many serious mental illnesses, such as bipolar disorder and schizophrenia, do not present until late adolescence or early adulthood, but the first indicators of such disorders are often present in children and teens. Early detection and treatment improves outcomes and reduces the risk of lasting emotional difficulties.

6. If young and healthier individuals leave the exchange markets in favor of short-term plans, the cost of insurance under the ACA will render it unattainable for many of our patients. Many will be unable to afford care again or will be transitioned to short term plans that do not cover mental illness or that charge unreasonable rates for coverage of preexisting conditions. Although psychiatrists and other mental health professionals in my practice will

continue providing care to the extent possible, many of these patients will eventually experience difficulty accessing appropriate ongoing treatment.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 27th, 2018 at Burlington, Vermont,

A handwritten signature in blue ink, appearing to read "D. Fassler", is written above a horizontal line.

David A. Fassler, MD