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SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY

January 17, 2024

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave., SW
Washington, D.C. 20201

Dear Secretary Becerra,

I am writing regarding the urgent need for the Department of Health and Human Services (HHS) to recognize gambling disorder as a mental health and substance use disorder which requires treatment coverage under the ten essential health benefits outlined in the Affordable Care Act.

It has come to my attention that constituents in my district, and people throughout the nation, are experiencing difficulties when seeking treatment for gambling addiction and gambling-related harm.¹ The availability of legal gambling in the United States has dramatically increased following the 2018 Supreme Court decision to strike down the federal ban on state authorization of sports betting.² In the states that have since legalized mobile sports gambling, individuals can engage with gambling products at all hours of the day, every day of the week.

This substantial increase in accessibility, coupled with widespread advertising and promotion, has led to a significant increase in the number of Americans who gamble – particularly those aged 25 and under. As the normalization of gambling spreads throughout the country, helplines dedicated to people struggling with gambling addiction are experiencing unprecedented surges in calls seeking treatment.³

For most struggling with gambling disorder, the limited treatment provided by helplines is the extent of what is available to them, as there is a severe lack of access to therapists with training in gambling addiction as well as a lack of insurance coverage for gambling addiction counseling and related treatment services. This gap in treatment access must be addressed immediately, as gambling-related harms are some of the most destructive and far-reaching of any other addiction. Most notably, studies show that gambling addiction has the highest rate of attempted suicide

¹ <https://www.npr.org/transcripts/1221890943>

² https://www.supremecourt.gov/opinions/17pdf/16-476_dbfi.pdf

³ <https://www.theguardian.com/us-news/2023/dec/01/sports-betting-regulation-gambling-addiction>

among all addictions, with a striking one in five people struggling with gambling disorder attempting suicide.⁴

In May 2013, the American Psychiatric Association published the Diagnostic and Statistics Manual, 5th Edition (DSM-5). In the DSM-5 gambling disorder is classified as an addiction of the same level as heroin, opioids, tobacco, alcohol, and cocaine. Shortly thereafter, this classification was also recognized by the World Health Organization and the International Classification of Diseases.

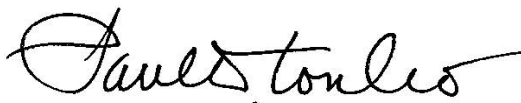
As a known and recognized addiction, gambling disorder should be treated with the same importance and urgency as drug and alcohol disorders. When the Affordable Care Act was finalized in February 2013, full coverage for substance disorders and mental health treatment was guaranteed as one of the ten essential health benefits. However, since gambling disorder is not explicitly listed, we have been hearing problematic reports from patients, medical professionals, and experts in the field that insurance companies are denying coverage for treatment of gambling disorder and gambling-related harm and instead are referring patients to the various helplines for treatment.

I am requesting that the Department of Health and Human Services formally and publicly clarify that HHS recognizes gambling disorder is a mental health and substance use disorder, and as such, is required to be covered as an essential health benefit under 42 U.S. Code § 18022, and for the Department to share this information with individual/family and small group major medical plans. I am also requesting a formal response detailing how the Administration will better ensure access to high quality and evidence-based gambling addiction treatment.

Your timely consideration of this request, consistent with all laws, rules, agency policy, and procedure is appreciated.

Thank you for your prompt attention to this matter. I look forward to your reply.

Sincerely,

A handwritten signature in black ink that reads "Paul D. Tonko". The signature is written in a cursive, flowing style.

Paul D. Tonko

⁴ Wong PW, Kwok NC, Tang JY, Blaszczyński A, Tse S. Suicidal ideation and familicidal-suicidal ideation among individuals presenting to problem gambling services: a retrospective data analysis. *Crisis*. 2014 Jan 1;35(4):219-32. doi: 10.1027/0227-5910/a000256. PMID: 24984888.