



REFORM UPDATE

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FAQS ON MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT (MHPAEA) IMPLEMENTATION

A host of governmental departments recently released Frequently Asked Questions (FAQs) on implementing the Mental Health Parity and Addiction Equity Act (MHPAEA). As part of the recently passed 21st Century Cures Act, the Departments have asked for feedback on how to improve the required MHPAEA disclosures.

Under the MHPAEA, mental health and substance abuse benefits can't be more restrictive than medical and surgical benefits. The process for determining equivalent benefits is quite involved. It is discussed in our *Benefit Advisor* at http://www.mcgrawwentworth.com/Benefit_Advisor/2014/BA_Issue_1.pdf.

The MHPAEA requires a plan to inform participants and health care providers of its criteria for medical necessity determinations with respect to mental health and substance abuse benefits. In addition, plans must explain mental health and substance abuse benefit denials to the plan participant affected.

Last October, the Departments released FAQs with more information on MHPAEA disclosures and requested feedback on streamlining them. These FAQs were discussed in our *Reform Update* at <http://mcgrawwentworth.com/wp-content/uploads/Reform-Update-126.pdf>. Stakeholders recommended that model forms for reporting non-quantitative treatment limitations will help them enforce the MHPAEA uniformly and help health plans comply.

The Departments are once again seeking comments on these issues and on a model form for requesting information from a health plan on mental health and substance abuse benefits. The form could be used to request information on non-quantitative treatment limitations or additional information to support an appeal of a mental health/substance abuse claim denial.

A copy of the model form can be found at <https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/laws/mental-health-parity/mhpaea-disclosure-template-draft.pdf>.

The FAQs also include a question on treating eating disorders as mental health conditions. The Cures Act requires benefit plans that cover eating disorders to meet MHPAEA requirements. The FAQ confirms the MHPAEA does apply to benefits for treating eating disorders. It defines mental health benefits as "benefits with respect to items or services for mental health conditions as defined by the terms of the plan and in accordance with applicable State and Federal law. Mental health

benefits must be defined to be consistent with generally recognized independent standards of current medical practice.” Since eating disorders are considered mental health conditions, the treatment is considered a mental health benefit.

The Departments are also seeking comments to clarify any other MHPAEA requirements that should apply to eating disorders.

The government has historically believed health plans are not complying with the intent of the MHPAEA, and the new administration is no different. It will continue to monitor MHPAEA compliance. In fact, the Department of Labor will still highlight MHPAEA compliance when it audits employers. Employers, therefore, should be aware of the actions health plan vendors have taken to comply with the MHPAEA.

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