

Mental Health and Substance Use Disorder Parity

Compliance Assistance Materials Index

Current as of October 2016

PREFACE

Since the enactment of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), the Departments of Labor, Health and Human Services, and the Treasury (collectively, the Departments) have worked to ensure that plans and issuers are equipped with the guidance needed to comply with the requirements of MHPAEA, and that group health plan participants and beneficiaries, and individual market enrollees, are afforded the information necessary to effectuate their rights under MHPAEA. Generally, MHPAEA requires that the financial requirements and treatment limitations imposed on mental health and substance use disorder (MH/SUD) benefits cannot be more restrictive than the predominant financial requirements and treatment limitations that apply to substantially all medical and surgical benefits.

Following the publication of the interim final regulation, the Departments began issuing several rounds of subregulatory guidance in the form of FAQs to respond to a variety of questions raised by plan sponsors, health insurance issuers and advocates. Such guidance enabled the Departments to respond swiftly to developing issues. Many of the Departments' FAQs on MHPAEA were eventually incorporated into the final regulation, and subsequent ones have provided additional clarifications regarding the Departments' interpretation of the law.

The Departments also developed other compliance assistance materials to allow plan sponsors, issuers and TPAs to gain a better understanding of, and achieve greater compliance with, MHPAEA. These materials include documents like the *Self-Compliance Tool*, which allows plans and issuers to conduct a self-audit, similar to what the Department of Labor would undertake in a health plan investigation, and the *Warning Signs* Document, which identifies plan provisions that require additional analysis to determine compliance with MHPAEA. Together, our subregulatory FAQs and our compliance assistance materials are an important resource in ensuring that plans sponsors, issuers and TPAs comply with the requirements of MHPAEA, so that group health plan participants and beneficiaries, and individual market enrollees, receive the benefits they are entitled to under MHPAEA.

The Departments have developed this catalogue as a compilation of subregulatory guidance and compliance assistance materials that aim to assist plans, issuers and TPAs as they work to ensure compliance with MHPAEA. It is our hope that with these materials gathered in one place, plan sponsors, issuers and TPAs will be better able to utilize them, along with the regulation, to comply with the provisions of MHPAEA. It is also our hope that states may find this material useful in enforcing the requirements of the law.

COMPLIANCE ASSISTANCE MATERIALS

1. **FAQs on Disclosure**

- a) [ACA FAQs Part V Q9, Issued 12/22/2010](#)
- b) [ACA FAQs Part V Q10, Issued 12/22/2010](#)
- c) [ACA FAQs Part XVII Q8, Issued 11/8/2013](#)
- d) [ACA FAQs Part XVII Q9, Issued 11/8/2013](#)
- e) [ACA FAQs Part XXIX Q12, Issued 10/23/2015](#)
- f) [ACA FAQs Part XXIX Q13, Issued 10/23/2015](#)
- g) [ACA FAQs Part 31 Q9, Issued 4/20/2016](#)
- h) [ACA FAQs Part 31 Q10, Issued 4/20/2016](#)
- i) [ACA FAQs Part 34 Q2, Issued 10/27/2016](#)

2. **FAQs on NQTLs on Medication Assisted Treatments/Opioids**

- a) [ACA FAQs Part 31 Q11, Issued 4/20/2016](#)
- b) [ACA FAQs Part 34 Q6, Issued 10/27/2016](#)
- c) [ACA FAQs Part 34 Q7, Issued 10/27/2016](#)
- d) [ACA FAQs Part 34 Q8, Issued 10/27/2016](#)

3. **FAQs on other Non-Quantitative Treatment Limitations**

- a) [ACA FAQs Part VII Q2, Issued 11/17/2011](#)
- b) [ACA FAQs Part VII Q3, Issued 11/17/2011](#)
- c) [ACA FAQs Part VII Q4, Issued 11/17/2011](#)
- d) [ACA FAQs Part VII Q5, Issued 11/17/2011](#)
- e) [ACA FAQs Part VII Q6, Issued 11/17/2011](#)
- f) [FAQs on Implementation of MHPAEA Q6, Issued 5/9/2012](#)
- g) [ACA FAQs Part 34 Q4, Issued 10/27/2016](#)
- h) [ACA FAQs Part 34 Q5, Issued 10/27/2016](#)
- i) [ACA FAQs Part 34 Q9, Issued 10/27/2016](#)

4. **FAQs on Book of Business**

- a) [ACA FAQs Part 31 Q8, Issued 4/20/2016](#)
- b) [ACA FAQs Part 34 Q3, Issued 10/27/2016](#)

5. **FAQs on Permissible Classifications & Sub-classifications**

- a) [FAQs on MHPAEA outpatient classification, Issued 6/30/2010](#)
- b) [ACA FAQs Part VII Q7, Issued 11/17/2011](#)
- c) [FAQs on Implementation of MHPAEA Q4, Issued 5/9/2012](#)
- d) [ACA FAQs Part XVII Q5, Issued 11/8/2013](#)

6. **FAQs on ACA Interaction**
 - a) [ACA FAQs Part XVII Q2, Issued 11/8/2013](#)
 - b) [ACA FAQs Part XVIII Q12, Issued 1/9/2014](#)

7. **FAQs on Applicability And Compliance**
 - a) [FAQs on Implementation of MHPAEA Q1, Issued 5/9/2012](#)
 - b) [FAQs on Implementation of MHPAEA Q2, Issued 5/9/2012](#)
 - c) [FAQs on Implementation of MHPAEA Q3, Issued 5/9/2012](#)
 - d) [FAQs on Implementation of MHPAEA Q5, Issued 5/9/2012](#)
 - e) [FAQs on Implementation of MHPAEA Q7, Issued 5/9/2012](#)
 - f) [FAQs on Implementation of MHPAEA Q9, Issued 5/9/2012](#)
 - g) [FAQs on Implementation of MHPAEA Q10, Issued 5/9/2012](#)
 - h) [ACA FAQs Part XVII Q1, Issued 11/8/2013](#)
 - i) [ACA FAQs Part XVII Q2, Issued 11/8/2013](#)
 - j) [ACA FAQs Part XVII Q3, Issued 11/8/2013](#)
 - k) [ACA FAQs Part XVII Q4, Issued 11/8/2013](#)

8. **FAQS on Exemptions**
 - a) [ACA FAQs Part V Q11, Issued 12/22/2010](#)
 - b) [ACA FAQs Part XVII Q6, Issued 12/22/2010](#)
 - c) [FAQs on Implementation of MHPAEA Q8, Issued 5/9/2012](#)
 - d) [ACA FAQs Part XVII Q7, Issued 11/8/2013](#)

9. **[Warning Signs: Plan or Policy NOTLs that Require Additional Analysis to Determine MHPAEA Compliance](#)**

10. **[Disclosure Guide: Mental Health and Substance Use Disorder Benefits](#)**

11. **[Self-Compliance Tool \(Compliance Checksheet\)](#)**

12. **[Compliance Assistance Guide](#)**

13. **[Fact Sheet: The Mental Health Parity and Addiction Equity Act of 2008 \(MHPAEA\)](#)**

14. **[Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008](#)**