

Appendix: MHPAEA Violation Guidance Compendium

Section 7182 of the SUPPORT for Patients and Communities Act requires the Department of Labor (DOL), in collaboration with the Department of Health and Human Services (HHS) and the Department of the Treasury (collectively, the Departments), in submitting its annual report on investigations regarding parity in mental health and substance use disorder benefits, to reference any guidance the agencies provided to address the category of violation committed. This document provides the references to the MHPAEA Final and Interim Final Rules and the guidance the Departments have issued for each category of violation cited in DOL’s and HHS’s FY18 MHPAEA Enforcement Fact Sheet. Additional materials that the Departments produced (including the annual reports on investigations and additional guidance) may also be found at: <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/mental-health-and-substance-use-disorder-parity> and <https://www.cms.gov/ccio>.

| Rules and Guidance Issued for Categories of Violations Identified in FY 2018 | Reference |
|--|---------------------|
| I. The Departments’ MHPAEA Rules (26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136) | |
| A. Final Rules (Published 11/13/2013) | 78 FR 68240 |
| B. Interim Final Rules (Published 2/2/2010) | 75 FR 5410 |
| II. The Departments’ MHPAEA Guidance | |
| A. <u>Benefits in All Classifications</u> | |
| 1) FAQs on Implementation of MHPAEA (Issued 5/9/2012) | Question No. 4 |
| 2) 2018 MHPAEA Self-Compliance Tool (Issued 4/23/2018) | Section B |
| 3) Compliance Assistance Guide (Issued 11/19/2014) | Pages 41-48 |
| B. <u>Annual and Lifetime Dollar Limits</u> | |
| 1) FAQs on Implementation of MHPAEA (Issued 5/9/2012) | Introduction |
| 2) 2018 MHPAEA Self-Compliance Tool (Issued 4/23/2018) | Section C |
| 3) Compliance Assistance Guide (Issued 11/19/2014) | Pages 41-48 |
| C. <u>Financial Limitations and Quantitative Treatment Limitations (QTLs)</u> | |
| 1) FAQs on MHPAEA Outpatient Classification (Issued 6/30/2010) | Question No. 1 |
| 2) ACA and MHPAEA Frequently Asked Questions, Part VII (Issued 11/17/2011) | Question No. 7 |
| 3) ACA and MHPAEA Frequently Asked Questions, Part 31 (Issued 4/20/2016) | Question Nos. 8, 11 |

| Rules and Guidance Issued for Categories of Violations Identified in FY 2018 | Reference |
|--|-------------------|
| 4) ACA and MHPAEA Frequently Asked Questions, Part 34 (Issued 10/27/2016) | Question No. 3 |
| 5) ACA and MHPAEA Frequently Asked Questions, Part 38 (Issued 6/16/2017) | Question No. 1 |
| 6) 2018 MHPAEA Self-Compliance Tool (Issued 4/23/2018) | Section D |
| 7) Compliance Assistance Guide (Issued 11/19/2014) | Pages 41-48 |
| D. <u>Cumulative Financial Requirements and Treatment Limitations</u> | |
| 1) 2018 MHPAEA Self-Compliance Tool (Issued 4/23/2018) | Section E |
| 2) Compliance Assistance Guide (Issued 11/19/2014) | Pages 41-48 |
| E. <u>Non-Quantitative Treatment Limitations (NQTLS)</u> | |
| 1) ACA and MHPAEA Frequently Asked Questions, Part VII (Issued 11/17/2011) | Question Nos. 2–6 |
| 2) FAQs on Implementation of MHPAEA (Issued 5/9/2012) | Question No. 6 |
| 3) ACA and MHPAEA Frequently Asked Questions, Part 34 (Issued 10/27/2016) | Question Nos. 4–9 |
| 4) ACA and MHPAEA Frequently Asked Questions, Part 38 (Issued 6/16/2017) | Question No. 1 |
| 5) 2018 MHPAEA Self-Compliance Tool (Issued 4/23/2018) | Section F |
| 6) Compliance Assistance Guide (Issued 11/19/2014) | Pages 41-48 |
| 7) Warning Signs: Plan or Policy NQTLS that Require Additional Analysis to Determine MHPAEA Compliance (Issued 6/1/2016) | Pages 1-3 |
| III. HHS Rules for Treatment of Non-Federal Governmental Plans (45 CFR 146.180) | |
| A. Final Rules (Published 5/27/2014) | 79 FR 30240 |
| B. CCIIO Sub-Regulatory Guidance: Updated Procedures and Requirements for HIPAA Exemption Election through the Health Insurance Oversight System (HIOS) (Issued 7/21/2014) | Pages 1-6 |

EBSA Regional Offices -- EBSA has ten regional offices (and three district offices) with Benefit Advisors who provide individual assistance and investigators who conduct health plan investigations for ERISA, including the requirements of MHPAEA compliance. EBSA's regional offices are in the following locations:

Atlanta Regional Office

61 Forsyth St, SW, Ste 7B54
Atlanta, GA 30303
Tel (404) 302-3900
Fax (404) 302-3975

Boston Regional Office

JFK Federal Bldg
15 New Sudbury St, Rm 575
Boston, MA 02203
Tel (617) 565-9600
Fax (617) 565-9666

Chicago Regional Office

John C. Kluczynski Federal Bldg
230 S. Dearborn Street, Ste 2160
Chicago, IL 60604
Tel (312) 353-0900
Fax (312) 353-1023

Cincinnati Regional Office

1885 Dixie Hwy, Ste 210
Ft. Wright, KY 41011-2664
Tel (859) 578-4680
Fax (859) 578-4688

Dallas Regional Office

525 South Griffin St, Rm 900
Dallas, TX 75202-5025
Tel (972) 850-4500
Fax (214) 767-1055

Kansas City Regional Office

2300 Main St, Ste 1100
Kansas City, MO 64108
Tel (816) 285-1800
Fax (816) 285-1888

Los Angeles Regional Office

35 N. Lake Ave., Ste 300
Pasadena, CA 91101
Tel (626) 229-1000
Fax (626) 229-1098

Miami District Office

1000 S Pine Island Road, Ste 100
Plantation, FL 33324
Tel (954) 424-4022
Fax (954) 424-0548

New York Regional Office

33 Whitehall St, Ste 1200
New York, NY 10004
Tel (212) 607-8600
Fax (212) 607-8681

Philadelphia Regional Office

170 S Independence Mall West
Ste 870 West
Philadelphia, PA 19106-3317
Tel (215) 861-5300
Fax (215) 861-5347

San Francisco Regional Office

90 7th St, Ste 11-300
San Francisco, CA 94103
Tel (415) 625-2481
Fax (415) 625-2450

Seattle District Office

300 Fifth Avenue, Ste 1110
Seattle, WA 98104
Tel (206) 757-6781
Fax (206) 757-6662

Washington District Office

1335 East-West Hwy, Ste 200
Silver Spring, MD 20910
Tel (202) 693-8700
Fax (202) 693-8736