Appendix: MHPAEA Guidance Compendium

In submitting its annual report on investigations of parity in mental health and substance use disorder benefits, 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), is required by statute[1] to reference any guidance the Departments have provided to address the category of violation committed. This document provides the citations 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 FY21 MHPAEA Enforcement Fact Sheet. Additional materials that the Departments produced (including the annual reports on investigations) 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/cciio/programs-and-initiatives/other-insurance-protections/mhpaea_factsheet.html.

Rules and Guidance Issued, Including for Categories of Violations Identified in FY 2021	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. **Application of MHPAEA**	
1) FAQs About Affordable Care Act Implementation Part V and Mental Health Parity Implementation (Issued 12/22/2010)	Question Nos. 8, 11
2) Understanding Implementation of the Mental Health Parity and Addiction Equity Act of 2008 (Issued 5/9/2012)	Questions Nos. 4-5, 7-8
3) FAQs About Affordable Care Act Implementation (Part XVII) and Mental Health Parity Implementation (Issued 11/8/2013)	Question Nos. 1-3, 5-7
4) FAQs About Affordable Care Act Implementation (Part XVIII) and Mental Health Parity Implementation (Issued 1/9/ 2014)	Question No. 12
5) FAQs About Affordable Care Act Implementation Part 31, Mental Health Parity Implementation, and Women's Health and Cancer Rights Act Implementation (Issued 4/20/2016)	Question No. 11
6) ACA and MHPAEA Frequently Asked Questions, Part 38 (Issued 6/16/2017)	Question No. 1

[1] See section 13003(a) of the 21st Century Cures Act, as amended by section 7182 of the SUPPORT for Patients and Communities Act.

B. **Benefits in All Classifications**	
1) FAQs on Implementation of MHPAEA (Issued 5/9/2012)	Question No. 4
2) Compliance Assistance Guide (Issued 11/19/2014)	Pages 41-48
3) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	Section B
C. **Annual and Lifetime Dollar Limits**	
1) FAQs on Implementation of MHPAEA (Issued 5/9/2012)	Introduction
2) Compliance Assistance Guide (Issued 11/19/2014)	Pages 41-48
3) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	Section C
D. **Financial Limitations and Quantitative Treatment Limitations (QTLs)**	
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) Compliance Assistance Guide (Issued 11/19/2014)	Pages 41-48
4) FAQs About Affordable Care Act Implementation Part 31, Mental Health Parity Implementation, and Women's Health and Cancer Rights Act Implementation (Issued 4/20/2016)	Question Nos. 8
5) FAQs About Affordable Care Act Implementation Part 34 and Mental Health and Substance Use Disorder Parity Implementation (Issued 10/27/2016)	Question No. 3
6) FAQs About Families First Coronavirus Response Act and Coronavirus Aid, Relief, And Economic Security Act Implementation Part 43 (Issued 06/23/2020)	Question No. 16
7) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	Section D, E
E. **Non-Quantitative Treatment Limitations (NQTLs)**	
1) ACA and MHPAEA Frequently Asked Questions, Part VII (Issued 11/17/2011)	Question Nos. 2–6
2) Understanding Implementation of the Mental Health Parity and Addiction Equity Act of 2008 (Issued 5/9/2012)	Question No. 6
3) Compliance Assistance Guide (Issued 11/19/2014)	Pages 41-48
4) Warning Signs: Plan or Policy NQTLs that Require Additional Analysis to Determine MHPAEA Compliance (Issued 6/1/2016)	Pages 1-3
5) FAQs About Affordable Care Act Implementation Part 34 and Mental Health and Substance Use Disorder Parity Implementation (Issued 10/27/2016)	Questions Nos. 4-9

6) ACA and MHPAEA Frequently Asked Questions, Part 38 (Issued 6/16/2017)	Question No. 1
7) FAQs about Mental Health and Substance Use Disorder Parity Implementation and the 21st Century Cures Act Part 39 (Issued 9/5/2019)	Question Nos. 1-8
8) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	Section F
9) FAQs About Mental Health and Substance Use Disorder Parity Implementation and the Consolidated Appropriations Act, 2021 Part 45 (Issued 4/2/2021)	Questions Nos. 1-8
G. **Disclosures**	
1) FAQs About Affordable Care Act Implementation Part V and Mental Health Parity Implementation (Issued 12/22/2010)	Question Nos. 9-10
2) FAQs About Affordable Care Act Implementation (Part XVII) and Mental Health Parity Implementation (Issued 11/8/2013)	Question Nos. 3, 8-9.
3) FAQs About Affordable Care Act Implementation (Part XXIX) and Mental Health Parity Implementation (Issued 10/23/2015)	Question Nos. 12-13
4) FAQs About Affordable Care Act Implementation Part 31, Mental Health Parity Implementation, and Women's Health and Cancer Rights Act Implementation (Issued 4/20/2016)	Question Nos. 9-10
5) FAQs About Mental Health and Substance Use Disorder Parity Implementation and the 21st Century Cures Act part 39 (Issued 9/5/2019)	Questions Nos. 9-11, Final MHPAEA Disclosure Template
6) FAQs About Mental Health and Substance Use Disorder Parity Implementation and the Consolidated Appropriations Act, 2021 Part 45 (Issued 4/2/2021)	Question No. 6
H. **Enforcement & Implementation**	
1) Understanding Implementation of the Mental Health Parity and Addiction Equity Act of 2008 (Issued 5/9/2012)	Questions Nos. 1-3, 9-10
2) FAQs About Affordable Care Act Implementation (Part XVII) and Mental Health Parity Implementation (Issued 11/8/2013)	Question No. 4
3) FAQs About Affordable Care Act Implementation Part 34 and Mental Health and Substance Use Disorder Parity Implementation (Issued 10/27/2016)	Question No. 2
4) FAQs About Mental Health and Substance Use Disorder Parity Implementation and the Consolidated Appropriations Act, 2021 Part 45 (Issued 4/2/2021)	Questions Nos. 1-9

EBSA Regional Offices - EBSA has ten regional offices (and three district offices) with benefits advisors who provide individual assistance and investigators who conduct health plan investigations under ERISA, including the requirements of MHPAEA compliance. EBSA's regional offices can be contacted at askebsa.dol.gov or 1-866-444-3272, and are in the following locations:

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Fax (617) 565-9666

Chicago Regional Office
John C. Kluczynski Federal Bldg
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