

Appendix: MHPAEA Violation 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 statute¹ 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 FY20 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/programs-and-initiatives/other-insurance-protections/mhpaea_factsheet.html.

Rules and Guidance Issued for Categories of Violations Identified in FY 2020	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) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	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) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	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

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

3) ACA and MHPAEA Frequently Asked Questions, Part 31 (Issued 4/20/2016)	Question Nos. 8, 11
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) 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
8) Compliance Assistance Guide (Issued 11/19/2014)	Pages 41-48
D. <u>Cumulative Financial Requirements and Treatment Limitations</u>	
1) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	Section E
2) Compliance Assistance Guide (Issued 11/19/2014)	Pages 41-48
E. <u>Non-Quantitative Treatment Limitations (NQTs)</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) FAQs about Mental Health and Substance Use Disorder Parity Implementation and the 21st Century Act Part 39 (Issued 9/5/2019)	Question Nos. 1-8
6) 2020 MHPAEA Self Compliance Tool (Issued 10/23/2020)	Section F
7) Compliance Assistance Guide (Issued 11/19/2014)	Pages 41-48
8) Warning Signs: Plan or Policy NQTs that Require Additional Analysis to Determine MHPAEA Compliance (Issued 6/1/2016)	Pages 1-3

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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Chicago Regional Office

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