

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

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