

LEGAL UPDATE

DOL Proposes Updates to Mental Health Parity Self-compliance Tool

The Department of Labor (DOL) has [proposed updates](#) to a self-compliance tool to help improve compliance with the Mental Health Parity and Addiction Equity Act (MHPAEA). The MHPAEA requires parity between a group health plan's mental health and substance use disorder (MH/SUD) benefits and medical and surgical benefits.

Proposed Changes

Federal law directs the DOL to make a document publicly available to improve compliance with MHPAEA, and to update this document every two years. The DOL last updated the MHPAEA self-compliance tool in April 2018. The proposed updates to the self-compliance tool include:

- ✓ **New guidance** from [FAQs Part 39](#) on MHPAEA compliance;
- ✓ More **compliance examples**, including explanations of how violations of the MHPAEA can be corrected;
- ✓ Best practices for establishing an **internal compliance strategy** that promotes the prevention, detection and resolution of potential MHPAEA violations; and
- ✓ Additional examples of treatment limitations encountered in recent enforcement efforts that may be **warning signs** of a potential MHPAEA violation.

The DOL is requesting comments on the proposed revisions by July 24, 2020. After considering all feedback, the DOL will issue a final self-compliance tool with any necessary clarifications in response to the comments.

Action Steps

Employers should consider using the DOL's [mental health parity resources](#) to understand the MHPAEA's requirements and review their plan designs for compliance.

Key Information

- The DOL has provided resources to help group health plan sponsors comply with the MHPAEA.
- One of these resources is a self-compliance tool.
- The DOL is proposing updates to the MHPAEA self-compliance tool.
- Employers should consider using available resources to review their group health plan's compliance with the MHPAEA.

The proposed changes include additional guidance on MHPAEA compliance and examples on how health plans may comply with the law.

Provided to you by [ENV Insurance Agency](#)

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2020 Zywave, Inc. All rights reserved.

