Biden Administration Proposes Rule for Easier Access to In-Network Mental Health Care



8/31/2023

On July 25, 2023, the Biden administration proposed a new rule to strengthen mental and physical health care parity requirements and improve mental health care access. The proposed rule would reinforce the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) and would require insurance providers to update health plans to provide equivalent access for mental health and substance abuse benefits as compared to physical health benefits.

Under the proposed rule, insurers would be required to update health plans that are found to provide inadequate access to mental health care. A comprehensive evaluation would be conducted to compare access to mental health and substance use benefits with access to physical health benefits. The evaluation would include assessing the health plan's provider network, out-of-network payment rates, prior authorization requirements, and authorization denial rates. Plans that fail to meet applicable requirements would need to be modified to improve access to mental health care, such as by including more mental health professionals in their networks or streamlining administrative processes. The proposed rule also clarifies certain limitations and allowances for health plans concerning mental health care and includes specific examples to ensure that health plans do not use more restrictive prior authorization and medical management techniques, or narrower networks for mental health and substance use disorder benefits compared to medical physical health.

By addressing existing loopholes, such as requiring non-federal governmental health plans to comply with MHPAEA, the proposed rule aims to provide critical protections to an additional 90,000 consumers. These actions are part of the Biden administration's broader efforts to tackle the mental health care crisis, including advancing access to services in Medicare, enhancing crisis response services, and providing mental health services in schools.

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