Final Rules Adopted to Advance Mental Health Parity



9/30/2024

On September 9, 2024, the Departments of Health and Human Services, Labor and the Treasury issued new final rules for the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). These new final rules amend certain provisions of the existing MHPAEA and add new regulations to MHPAEA. The purpose of these final rules is to ensure that beneficiaries of group health plans and individual health insurance plans receive coverage for covered mental health conditions or substance use disorders and do not face greater burdens in accessing such benefits than they would when seeking coverage for the treatment of a medical condition or surgical procedure. Among other things, the final rules require that health plans and insurers not use non-quantitative treatment limitations (NQTLs) that are more restrictive than the predominant NQTLs applied to substantially all medical/surgical benefits in the same classification. Examples of such NQTLs include prior authorization requirements, standards related to network composition; and methodologies to determine out of network reimbursement rates. The final rules also prohibit health insurance plans and insurers from using discriminatory information, evidence, sources, or standards that systemically disfavor or are specifically designed to disfavor access to mental health or substance abuse disorders benefits as compared to medical/surgical benefits when designing NQTLs. A majority of the provisions of the final rules go into effect January 1, 2025, however certain requirements which may take more time to implement, such as putting into place data evaluation requirements, will go into effect January 1, 2026.

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