

Practical Guidance for Physician Organizations Regarding the MHPAEA Final Rule

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Last Friday, November 8, the U.S. Departments of the Treasury, Labor, and Health & Human Services (Departments) jointly issued the long-awaited Mental Health Parity and Addiction Equity Act of 2008 (Act) [Final Rule](#) (Final Rule) and related guidance. Physician organizations are among the health care industry stakeholders that are in the process of digesting the new regulations and their impact upon the delivery and payment of, and access to, mental health and addiction services.

The Act was signed into law by President George W. Bush in 2008, becoming effective in 2011, and was strongly supported by the American Medical Association and other professional organizations and stakeholders. The Act prohibits certain group health plans and group and individual health insurance issuers that provide mental health and substance use disorder (MH/SUD) benefits from imposing more-stringent benefit limitations (e.g., financial requirements and treatment limitations) on MH/SUD benefits than upon medical and surgical coverage. When discussing the underlying objectives of the Act and the Final Rule, the Centers for Medicare & Medicaid Services (CMS) [guidance](#) states " . . . mental illness should no longer be treated by our society - or covered by insurance companies - differently from other illnesses."

The Final Rule becomes effective for plan (or policy) years beginning on or after July 1, 2014 and supersedes the Interim Final Rule that applied to plan years beginning on or after July 1, 2010. Among other goals, the Final Rule is intended to incorporate clarifications that have been issued over the past few years by the Departments through frequently asked questions (FAQs) available on their websites, provide new clarifications and consumer protections, and implement provisions of the Act with respect to the individual health insurance market.

It is advisable for physicians, as providers and significant stakeholders within the health care industry, to have at least a basic understanding of the Final Rule and be able to direct patients to additional information in the event that they have questions about their MH/SUD coverage. A few of the available resources are described below:

- Examples within Final Rule. Useful guidance is set forth in the Final Rule itself through the numerous examples that are designed to demonstrate how the Final Rule operates in practice;
- Helpful FAQs. Also note that, simultaneously with the issuance of the Final Rule, CMS published FAQs titled: "[FAQs About Affordable Care Act Implementation \(Part XVII\) and Mental Health Parity Implementation](#)." Among other areas of emphasis, this guidance highlights the Affordable Care Act's application of the Act to individual health insurance issuers and inclusion of MH/SUD services as one of the ten essential health benefits categories under federal health care reform; and
- AHLA Webinar. AHLA educational opportunities will also provide insight into the Final Rule and its implications for physician organizations and the health care community more broadly. More specifically, the AHLA Behavioral Health Task Force (BH TF) is sponsoring a webinar entitled "Patients, Providers and Plans: The Legal Implications of the Mental Health Parity and Addiction Equity Act" on Wednesday, December 4 at 1:00 PM Eastern. BH TF Co-Chair Jud DeLoss will moderate the session, featuring Laura Goodman, director of the Health Law Advocates' Mental Health Parity Initiative; Stephen Warch, chair of Nilan Johnson's Health Care Practice Group; and a federal government legal representative who we will be asking to provide the government's unique perspective on the promulgation of these important regulations. Please mark your calendars accordingly and join us for this event. Please see the member benefit educational opportunity below for more information and to register.

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