

Session 3:

Achieving Mental Health Parity Compliance

JANUARY 29, 2025



The Central Florida Health Care Coalition, Incorporated d/b/a Florida Alliance for Healthcare Value is providing this information to you solely in our capacity as a 501c3 nonprofit education organization with knowledge and experience in the industry and not as advice in any capacity.



Funding and Sponsorship

- ▶ Funding for development and dissemination of the Employer Mental Health Parity Compliance Toolkit was provided to the Florida Alliance for Healthcare Value by Orange County Government and to the Community Coalitions Health Institute by the Mental Health Treatment and Research Institute, a subsidiary of the Bowman Family Foundation
- ▶ The toolkit is sponsored by the Florida Alliance for Healthcare Value and the National Alliance of Healthcare Purchaser Coalitions.
- ▶ Thank you to our many employer members who weighed in along the way on the tools and messaging.

The Experts

- ▶ Henry Harbin, MD – Psychiatrist and Advisor to the Bowman Family Foundation
- ▶ Beth Ann Middlebrook, JD – Health Lawyer specializing in behavioral health law, owner of B. Middlebrook Consulting, and Advisor to the Bowman Family Foundation



MH Parity Compliance Webpage

- ▶ The slides, recordings, tools, and resources presented in the October and December 2024 Mental Health Parity Compliance webinars are available on a special webpage we created. We explained the importance of MH Parity, the laws related to compliance, the final rules, your fiduciary duty, and how to proceed.
- ▶ This webpage will be updated regularly. The slides and recording from today and the toolkit will be added by the end of the week. Additionally, a sample letter will be included that can be sent to the carrier for the NQTL analysis.
- ▶ Check the chat now for the webpage link. [Mental Health Parity Compliance - Florida Alliance for Healthcare Value](#)

ERIC Lawsuit Challenging the 2024 MH Parity Rules and 2024 Report to Congress

- ▶ The ERISA Research Industry Committee (ERIC) has filed a lawsuit that challenges the 2024 Final Rule only. The ERIC lawsuit does NOT challenge the MHPAEA statute including the CAA amendment, or the Final Rule from 2013, or the Self-Compliance Tool - all of which serve as the basis for the NQTL Multi-Step Comparative Analysis Audit Tools
- ▶ The 2024 Report to Congress released in December makes clear that: “noncompliance remains widespread”... “analyses in general have not included sufficient information”... “EBSA [Employee Benefits Security Administration] is determined to continue aggressive enforcement of MHPAEA’s parity requirements.”

EMPLOYER/HEALTHCARE PURCHASER TOOLKIT FOR MENTAL HEALTH PARITY COMPLIANCE

- The toolkit includes a 5 page document, **Information and Action Required**, that explains context and significance for you as the employer. The toolkit also includes the NQTL Audit Tools (**NQTL Multi-Step Comparative Analysis Audit Tools**) that you as the employer/healthcare purchaser provide to your carrier/TPA and/or managed behavioral health organization (MBHO) to use and complete.
- The **Information and Action Required** document provides brief information regarding Financial Requirements (FRs) and the Quantitative Treatment Limits (QTLs) and a link to the DOL/CMS 2020 MHPAEA Self-Compliance Tool for those analyses.
- **The Non-Quantitative Treatment Limits (NQTL) Multi-Step Comparative Analysis Audit Tools** are for employers/healthcare purchasers to give directly to their carriers/TPAs and/or MBHOs to complete.
- The **Information and Action Required** document will be included on the webpage but check the chat now for a PDF of the toolkit. This 5 page document is for you, the employer/healthcare purchaser, to use and NOT to be sent to the carrier. We will walk through this document now.

Sample Email To Use When Sending NQTL Multi-Step Audit Tools

Dear [Carrier/TPA/service provider]:

Please find the attached NQTL Multi-Step Comparative Analysis Audit Tools (also provided at this link) for your completion in accordance with the requirements of the Mental Health Parity and Addiction Equity Act (MHPAEA), including the 2021 Consolidated Appropriations Act (CAA) amendment to MHPAEA and FAQs 2021 Part 45 governing same.

We request that you complete this audit tool, including the quantitative data Excel sheets embedded therein, as soon as possible. It is vital that responses are completed and ready proactively, rather than reactively to a regulatory demand or a complaint. We request that you provide comprehensive and complete responses in order to avoid the need for additional requests for information.

We appreciate your attention in prioritizing the completion of these NQTL Multi-Step audit tools.

[Employer/Healthcare Purchaser]"

ACTION CHECKLIST

1. Complete your FR and QTL analysis and make needed changes to come into compliance
2. Notify your TPAs/service providers that they need to complete the multi-step comparative analysis with information specific to your plan(s) – use the email template provided
3. Document communications with your TPAs/service providers when requiring them to perform these comparative analyses for your plan(s)
4. Talk to your broker, benefits consultant, and/or legal counsel about their ability to review the responses you receive from your TPAs/service providers
5. Require your TPAs/service providers to correct any insufficient responses and noncompliant areas, including disparities in outcomes data.
6. Require your TPAs/service providers to update and have available these comparative analyses on an annual basis, especially if new or different NQTLs or programs are implemented, such as, value-based purchasing, narrow networks, etc.

FEEDBACK? QUESTIONS?

YOU MAY CHAT YOUR QUESTIONS OR
RAISE YOUR HAND AND WE WILL
CALL ON YOU

