



LEGAL ADVICE FOR HEALTH PLANS

HEALTH LAW ALERT

November 29, 2013

HHS Publishes Final Mental Health Parity Rules

Final Rules Clarify Some Issues, But Make Minimal Changes

On November 13, the Departments of Health and Human Services, Labor, and the Treasury (the Agencies) formally published final rules adopting standards for the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). The “Essential Health Benefits” that the Affordable Care Act requires most group and individual health plans to cover include mental health and substance use disorder benefits. Moreover, the MHPAEA applies to grandfathered health plans. Accordingly, the final Rules will apply to:

- Individual insurance coverage;
- Non-grandfathered coverage in the small and large group markets; and
- Grandfathered coverage in the large group market, with respect to plans that offer mental health or substance use disorder benefits.

Health plans must comply with the final Rules with respect to plan years beginning on or after July 1, 2014.

The final rules are published at 78 *Federal Register* 68239 ([click here](#)). [Click here](#) (or see the “Resources” page at [tbixbylaw.com](#)) for my compilation of Federal Health Insurance Provisions (“Requirements Related to Health Care Access”) incorporating the final Rules (*see* Volume I under “Compiled Rules”). Also posted at this site is a redline, which shows changes the final rules made to the interim final rules (published in 2010).

Final Rules

Despite extensive news coverage of the final Rules, the Departments acknowledge that the final Rules are little more than codification of guidance already published along with some “new clarifications on issues such as [Non-Quantitative Treatment Limitations].” The Final Rules also provide a formula and disclosure requirements for the “increased cost exemption,” which allows plans that experience significant cost increases as a result of the Mental Health Parity Rules to obtain a one-year exemption from application of the Rules.

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