



## Agencies Seek Comments on Mental Health Parity Law

*The IRS, Department of Labor (DOL), and Department of Health and Human Services (HHS) have jointly issued a Request for Information concerning the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). Comments are due by May 28, 2009.*

### Background

MHPAEA was signed into law on October 3, 2008 as part of the financial bailout legislation. The new law amends ERISA, the Public Health Services Act and the Internal Revenue Code to prohibit group health plans from imposing financial requirements or treatment limitations on mental health and substance use disorder benefits that are more restrictive than the predominant requirements and limitations imposed on medical and surgical benefits. (See our October 9, 2008 [For Your Information](#).) The law is effective for plan years beginning on and after October 3, 2009. Thus, calendar year plans will be required to comply with MHPAEA beginning on January 1, 2010.

### Request for Information

Regulations on MHPAEA are due by early October 2009. The IRS, DOL and HHS have jointly issued a [request for comments](#) to help them formulate guidance and have asked –

- whether plans impose other types of financial requirements or treatment limitations than those outlined in the law
- how these requirements and limitations currently apply to medical/surgical versus mental health/substance abuse benefits and whether coverage levels vary by class
- what information on medical necessity and on benefit denials is currently available under the plan and to whom is it made available
- whether plans provide out-of-network coverage for mental health/substance abuse benefits and how such coverage differs from that for out-of-network medical/surgical benefits
- what guidance is needed on the cost exemption
- where additional clarification is needed for compliance.

## Conclusion

While regulations are to be issued by early October, many plan sponsors will need to finalize their 2010 plan designs well before then.

To assist plan sponsors in responding to the new mental health parity requirements, Buck is sponsoring a complimentary Webcast on June 2 at 1:00 p.m. ET. Please register for this webcast by [following this link](#). Buck's consultants are also available to assist you in complying with MHPAEA.

---

*This FYI is intended to provide general information. It does not offer legal advice or purport to treat all the issues surrounding any one topic.*