



TaxNewsFlash

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Final regulations: Requirements related to the Mental Health Parity and Addiction Equity Act

The U.S. Treasury Department and IRS—along with the Department of Labor (DOL) and the Department of Health and Human Services (HHS)—today released [final regulations](#) (T.D. 10006) implementing the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), and adding new regulations implementing the nonquantitative treatment limitation (NQTL) comparative analyses requirements under MHPAEA, as amended by the Consolidated Appropriations Act, 2021.

Specifically, the final regulations:

- Amend the existing NQTL standard to prohibit group health plans and health insurance issuers offering group or individual health insurance coverage from using NQTLs that place greater restrictions on access to mental health and substance use disorder benefits as compared to medical/surgical benefits
- Require plans and issuers to collect and evaluate relevant data in a manner reasonably designed to assess the impact of NQTLs on relevant outcomes related to access to mental health and substance use disorder benefits and medical/surgical benefits and to take reasonable action, as necessary, to address material differences in access to mental health or substance use disorder benefits as compared to medical/surgical benefits
- Amend existing examples and add new examples on the application of the rules for NQTLs to clarify and illustrate the requirements of MHPAEA
- Set forth the content requirements for NQTL comparative analyses and specify how plans and issuers must make these comparative analyses available to the Treasury Department, DOL, and HHS, as well as to an applicable State authority, and to participants, beneficiaries, and enrollees
- Implement the sunset provision for self-funded non-federal governmental plan elections to opt out of compliance with MHPAEA, as adopted in the Consolidated Appropriations Act, 2023

The final regulations are effective on November 22, 2024.

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