

# LEGAL UPDATE

## DOL Proposes Updates to Mental Health Parity Self-compliance Tool

The Department of Labor (DOL) has proposed updates to a self-compliance tool to help improve compliance with the Mental Health Parity and Addiction Equity Act (MHPAEA). The MHPAEA requires parity between a group health plan's mental health and substance use disorder (MH/SUD) benefits and medical and surgical benefits.

### Proposed Changes

Federal law directs the DOL to make a document publicly available to improve compliance with MHPAEA, and to update this document every two years. The DOL last updated the MHPAEA self-compliance tool in April 2018. The proposed updates to the self-compliance tool include:

- ✓ **New guidance** from [FAQs Part 39](#) on MHPAEA compliance;
- ✓ More **compliance examples**, including explanations of how violations of the MHPAEA can be corrected;
- ✓ Best practices for establishing an **internal compliance strategy** that promotes the prevention, detection and resolution of potential MHPAEA violations; and
- ✓ Additional examples of treatment limitations encountered in recent enforcement efforts that may be **warning signs** of a potential MHPAEA violation.

The DOL is requesting comments on the proposed revisions by July 24, 2020. After considering all feedback, the DOL will issue a final self-compliance tool with any necessary clarifications in response to the comments.

### Action Steps

Employers should consider using the DOL's mental health parity resources to understand the MHPAEA's requirements and review their plan designs for compliance.

### Key Information

- The DOL has provided resources to help group health plan sponsors comply with the MHPAEA.
- One of these resources is a self-compliance tool.
- The DOL is proposing updates to the MHPAEA self-compliance tool.
- Employers should consider using available resources to review their group health plan's compliance with the MHPAEA.

*The proposed changes include additional guidance on MHPAEA compliance and examples on how health plans may comply with the law.*



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