



# Mental Health Parity and Addiction Equity Act (MHPAEA) Quick Guide

The following information is also available online at <http://mdpsych.org/advocacy-legislation/parity/>.  
(\*Designates document enclosed)

## 1. Parity Facts\* and How Parity Implementation Can Help Psychiatrists\*

*Place copies of parity flyers in your waiting room.*

- Fair Insurance Coverage: It's the Law\* (Maryland-specific)
- Red Flags! Your health plan may be violating the law\*
- Common Parity Violations\*

*Consider providing the Share Your Story form\* to patients who express interest.*



## 2. If it seems the MHPAEA has been violated, first be sure the law applies:

**Which plans does the federal parity law apply to?**

Plan	Does MHPAEA Apply
Employer-funded plans with more than 50 insured employees?	Yes
Medicaid managed-care plans	Yes
Children's Health Insurance Program plans	Yes
Medicaid Alternative Benefit plans (Medicaid expansion)	Yes
Non-grandfathered small employer plans (less than 51 employees)	Yes*
Non-grandfathered individual market plans	Yes**
Plans offered through the health insurance exchanges	Yes
Federal Employees Health Benefits Plans (FEHBP)	Yes***
TRICARE/DOD plans	No
Medicare plans	No
Veterans Administration	No
Short-duration health plans	No

\* Technically MHPAEA does not apply directly to small group health plans, although its requirements are applied indirectly to non-grandfathered small group health plans in connection with the Affordable Care Act's (ACA) essential health benefit (EHB) requirements

\*\*Non-grandfathered plans that came into existence after the enactment of the ACA on March 23, 2010

\*\*\* While the MHPAEA statute does not apply to Federal Employees Health Benefits Program (FEHBP), the Office of Personnel Management has issued carrier letters directing such plans to comply with MHPAEA



*If parity applies, it is critical to understand and compare the insurance benefits, often using a summary plan description (SPD) or Benefit Booklet.*

**IMPORTANT**

(over)

### 3. Decide whether the situation fits the parity violation parameters

Policies and coverage practices for behavioral health services cannot be more restrictive than policies and practices for medical or surgical services. Comparisons between behavioral and medical/surgical benefits are made according to the class of benefits, namely: Inpatient to inpatient, Outpatient to outpatient, In-network to in-network, Out-of-network to out-of-network, Emergency care to emergency care and Prescription drugs to prescription drugs.

Violations can take many forms. Some are measured by a dollar amount or a number; e.g., co-payments or deductibles and outpatient visits allowed each year. Others are more complicated "non-quantitative" limitations, such as preauthorization, likelihood of improvement, geographic, etc.

Use the *Red Flags\** and *Common Violations\** flyers and the *Warning Signs- NTQLs\** and *Parity Compliance Problems\** descriptions to help with identification.



### 4. Request a peer-to-peer review or file an internal appeal directly with the applicable insurer.

Sample appeal letters are available at <https://lac.org/parity-guide-sample-letters/> and <https://www.psychiatry.org/psychiatrists/practice/parity>.



### 5. If the appeal fails, file a complaint with the appropriate agency, which depends on the type of insurance coverage:

<b>Insurance plans</b> (purchased by employers, or by individuals)	Maryland Insurance Administration or Attorney General (How to File a Complaint in Maryland*)
<b>Employer pays for coverage</b> (Self-funded plan)	U.S. Department of Labor ( <a href="https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/what-we-do">https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/what-we-do</a> )
<b>Insurance through state/local government employers</b>	U.S. Department of Health and Human Services ( <a href="https://www.hhs.gov/regulations/complaints-and-appeals/index.html">https://www.hhs.gov/regulations/complaints-and-appeals/index.html</a> )



**APA Parity Enforcement Resources:** <https://www.psychiatry.org/psychiatrists/practice/parity>

**Legal Action Center (LAC)** publication, *Health Insurance for Addiction & Mental Health Care: A Guide to the Federal Parity Law* (106 pages) <https://lac.org/health-insurance-for-addiction-mental-health-care-a-guide-to-the-federal-parity-law/>

**Parity at 10:** <https://parityat10.org>

**Parity Implementation Coalition:** <https://parityispersonal.org/>

*Parity Resource Guide for Addiction & Mental Health Consumers, Providers and Advocates*  
[https://parityispersonal.org/media/documents/KennedyForum-ResourceGuide\\_FINAL\\_1.pdf](https://parityispersonal.org/media/documents/KennedyForum-ResourceGuide_FINAL_1.pdf)  
A 103-page in-depth review of the law, types of appeals, filing appeals and complaints, etc.

**Parity Track:** [www.paritytrack.org](http://www.paritytrack.org)