



Mental Health Parity Compliance

GET TO KNOW BDO HEALTHCARE



In the U.S., it's estimated that more than one in five adults live with a mental illness — [that's about 57.8 million people as of 2021](#). In response to the growing awareness of the importance of treatment for mental health and substance use disorders (MHSUD), the Centers for Medicaid & Medicare Services (CMS) enacted the Mental Health Parity and Addiction Equity Act (MHPAEA) of 2008.

The legislation expands on the Mental Health Parity Act of 1996 and requires health insurers and group health plans that offer MHSUD benefits to provide the same level of benefits for mental and/or substance use treatment and services that they provide for medical or surgical care. The legislation also ensures that plans offered on the Health Insurance Marketplace under the Affordable Care Act (ACA) cover many behavioral health treatments and services while requiring some plans to cover MHSUD services as an essential health benefit.

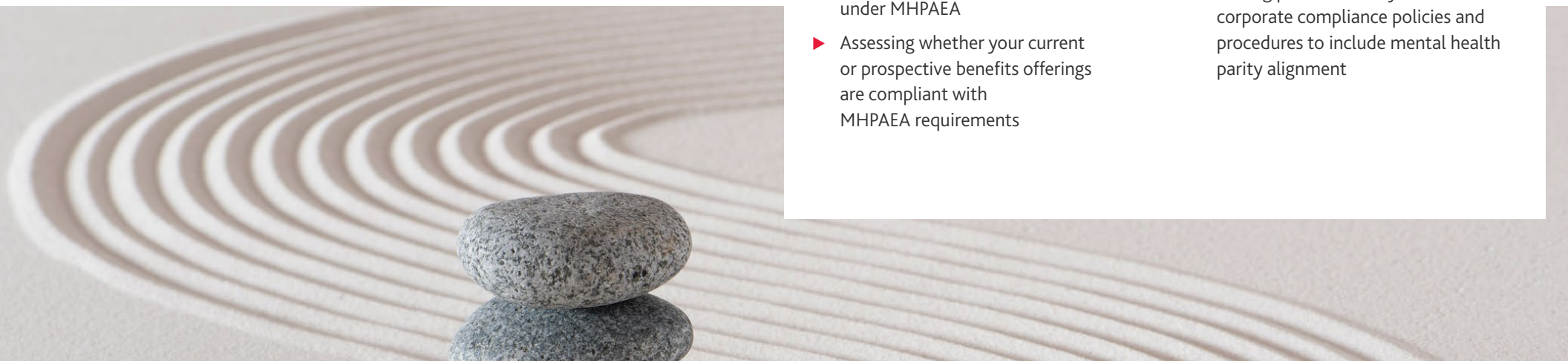
Compliance enforcement related to MHPAEA is likely to increase as time goes on. That means it's more important now than ever before for organizations to comply with both federal and state parity law requirements.

As an example, the following legislative actions indicate immediate consideration:

- ▶ The DOL and the U.S. Centers for Medicare and Medicaid Services (CMS) have issued a brief summarizing their MHPAEA enforcement efforts in fiscal year 2022.
- ▶ The U.S. Department of the Treasury, the US Department of Labor (DOL) and the U.S. Department of Health and Human Services (HHS) published a [technical release](#) setting forth a potential approach that the agencies may take to determining the types of compiled data required of employers addressing any nonquantitative treatment limitations (NQTLs) in their health plans so as to not conflict with the MHPAEA standards regarding composition of provider networks. The agencies have requested comments on the technical release.
- ▶ An updating of the current 2013 [final MHPAEA regulations](#) that would be effective as of 2025 that add additional layers of compliance from the agencies resulting in higher costs for employers.
- ▶ [A congressional report](#) authored by these three agencies detailing recent enforcement efforts and citing multiple employee benefit plans that have violated the MHPAEA

BDO's Mental Health Parity Compliance team can help you address common challenges like:

- ▶ Determining whether your organization is obligated to offer MHSUD services as a plan sponsor under MHPAEA
- ▶ Assessing whether your current or prospective benefits offerings are compliant with MHPAEA requirements
- ▶ Acquiring a certification of compliance for MHPAEA
- ▶ Adding procedures to your current corporate compliance policies and procedures to include mental health parity alignment



Our Approach

Our team of experienced professionals is ready to help ensure your organization is compliant with MHPAEA requirements.

Benefits Assessment

Our team of regulatory professionals and experienced industry professionals will evaluate quantitative and non-quantitative aspects of your current or prospective employee benefits.

Process & Procedure Development

We'll guide you through updating or creating processes and procedures for your current corporate compliance plan to include mental health parity alignment.

Testing & Comparative Analyses

Our team can help you prepare Non-Quantitative Treatment Limitations (NQTL) comparative analyses documentation, as well as perform Quantitative Treatment Limit (QTL) testing for potential Department of Labor (DOL) and CMS audits.

Compliance Certification

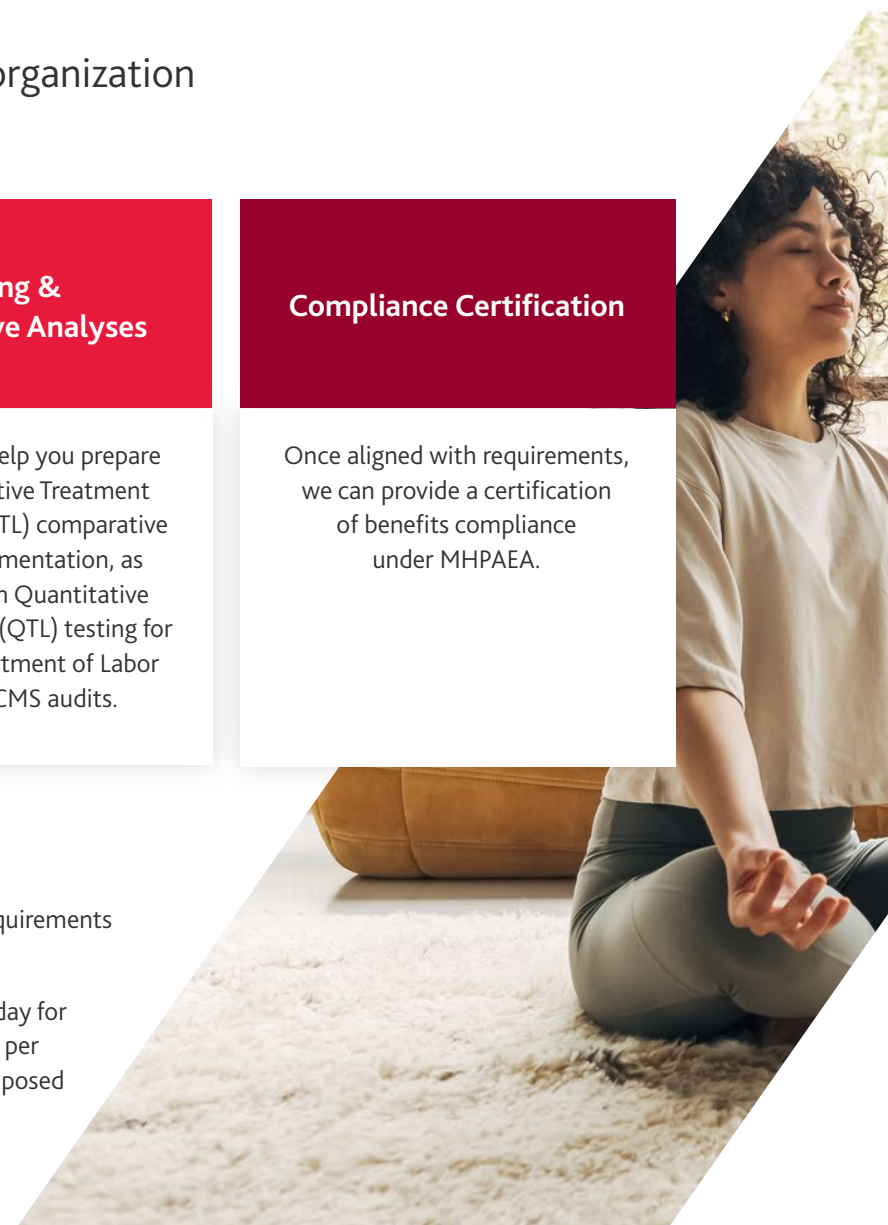
Once aligned with requirements, we can provide a certification of benefits compliance under MHPAEA.

OUR SERVICES

- ▶ Risk & Regulatory Compliance
- ▶ Compliance Program Gap Assessment
- ▶ Employee Benefit Plan Audit
- ▶ Benefit Plan Design

CLIENT OUTCOMES

- ▶ Ensure you are in compliance with the latest MHPAEA requirements
- ▶ Generate documentation showing your compliance
- ▶ Mitigate the risk of [monetary penalties](#), up to \$110 per day for failure to submit documentation upon request, and \$100 per day in excise taxes, as a result of DOL, CMS, and state-imposed enforcement fines



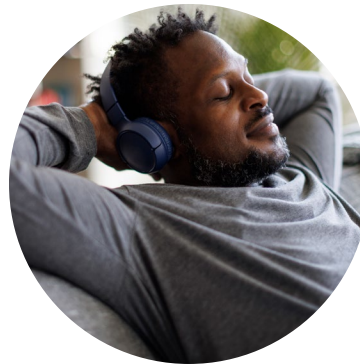
Why Choose BDO

We have the experience.



Our team is made up of knowledgeable consultants and former healthcare industry leaders who've been in your shoes. We work with organizations of various sizes and types and know the importance of ensuring your company is compliant with all applicable regulations.

We manage change so you don't have to.



Compliance with changing requirements can be confusing. Our experienced team is by your side to walk you through every phase of satisfying MHPAEA obligations.

We make sure you're prepared.



Our team will work with you to create or add to processes and procedures for compliance to include mental health parity alignment. We'll provide you with testing documentation and compliance assertion in the event of an audit.



CONTACT US

VENSON WALLIN

Managing Director

National Healthcare Compliance and Regulatory Leader

vwallin@bdo.com

GREGG MILLS

Senior Manager

Insurance Advisory

gmills@bdo.com

At BDO, our purpose is helping people thrive, every day. Together, we are focused on delivering exceptional and sustainable outcomes — for our people, our clients and our communities. Across the U.S., and in over 160 countries through our global organization, BDO professionals provide assurance, tax and advisory services for a diverse range of clients.

BDO is the brand name for the BDO network and for each of the BDO Member Firms. BDO USA, P.C., a Virginia professional corporation, is the U.S. member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms: www.bdo.com

Material discussed in this publication is meant to provide general information and should not be acted on without professional advice tailored to your needs.

© 2023 BDO USA, P.C. All rights reserved.

