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For purposes of this Guide, except where the context clearly indicates otherwise, the following terms have the meanings indicated:

***Aggregate Lifetime Dollar Limit*** means a dollar limitation on the total amount of specified benefits that may be paid under a health plan (45 CFR § 146.136(a)).

***Annual Dollar Limit*** means a dollar limitation on the total amount of specified benefits that may be paid in a 12-month period under a health

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**Mental Health and Substance Use Disorder Parity Compliance**

**Standard 1**

**The health carrier shall define all covered services as mental health or substance use disorder benefits or as medical or surgical benefits. Mental health benefits or substance use disorder benefits must be defined to mean items or services for the treatment of a mental health condition or substance use disorder, as defined by the terms of the health plan and applicable state and federal law. Any definition of a condition or disorder as being or as not being a mental health condition or substance use disorder must be consistent with generally recognized independent standards of current medical practice or state guideline. (45 CFR § 146.136(a)).**

**Apply to:** Certain group and individual health carriers offering mental health and substance use disorder coverage

**Priority:** Recommended

**Documents to be Reviewed**

- \_\_\_\_\_ Applicable state and federal statutes, rules, regulations and published sub-regulatory guidance
- \_\_\_\_\_ Type of generally recognized independent standards of current medical practice, state law or guidance, used

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**Standard 3**

**The health carrier shall not apply any financial requirement on mental health or substance use disorder benefits in any classification (or applicable sub-classification) that is more restrictive than the predominant financial requirement of that type applied to substantially all medical/surgical benefits in the same classification (or applicable sub-classification) (45 CFR § 146.136(c)(2)(i)).**

**Apply to:** Certain group and individual health carriers offering mental health and substance use disorder coverage

**Priority:** Recommended

**Documents to be Reviewed**

\_\_\_\_\_ Applicable state and federal statutes, rules, regulations and published sub-regulatory guidance

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**Standard 4**

**The health carrier shall not apply any QTL on mental health or substance use disorder benefits in any classification (or applicable sub-classification) that is more restrictive than the predominant QTL of that type applied to substantially all medical/surgical benefits in the same classification (or applicable sub-classification) (45 CFR § 146.136(c)(2)(i).**

**Apply to:** Certain group and individual health carriers offering mental health and substance use disorder coverage

**Priority:** Recommended

**Documents to be Reviewed**

- \_\_\_\_\_ Applicable state and federal statutes, rules, regulations and published sub-regulatory guidance
- \_\_\_\_\_ Health carrier list of all QTLs applied to mental health or substance use disorder benefits and medical/surgical benefits in each classification (or applicable sub-classification) (this will include schedules of benefits and other policy documents)
- \_\_\_\_\_ Health carrier documentation of the reasonable method used to determine expected plan payments for medical/surgical benefits within each classification of benefits (or applicable sub-classification), including documentation and communications with vendors engaged to provide assistance with analyses
- \_\_\_\_\_ Documentation demonstrating the predominant and substantially tests performed by the health carrier for each applicable financial requirement applied to all benefits
- \_\_\_\_\_ Internal company claim audit reports
- \_\_\_\_\_ Mental health and/or substance use disorder and medical/surgical claim files
- \_\_\_\_\_ Health carrier complaint, grievance and appeals records (supporting documentation, including, but not limited to: written and phone records of inquiries, complaints,

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**Standard 5**

**The health carrier shall apply non-quantitative treatment limitations (NQTLs) to mental health or substance use disorder benefits within a classification of benefits (or applicable sub-classification) so that any processes, strategies, evidentiary standards, or other factors used to apply a limitation, 1) as written and 2) in operation, are comparable to the processes, strategies, evidentiary standards, or other factors used to apply the limitation to medical/surgical benefits within the classification (or applicable sub-classification) (45 CFR § 146.136(c)(i)). The health carrier shall perform and document comparative analyses of the design and application of NQTLs in accordance with 42 U.S.C. § 300gg-26(a)(8)(A).**

**Apply to:** C

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- \_\_\_\_\_ Fail-first policies or step therapy protocols
- \_\_\_\_\_ Network development/contracting policies and procedures
- \_\_\_\_\_

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~~other factors~~ used in applying an NQTL ~~to mental health or substance disorder benefits~~ are comparable to, and are applied no more stringently than ~~the processes, strategies, evidentiary standards, or other factors~~ ~~those~~ used in applying the limitation ~~with respect~~ to medical/surgical benefits ~~in the classification~~. The comparative analyses shall include the following, for each NQTL applied to mental health or substance use disorder benefits, separately for each classification of benefits (42 U.S.C. § 300gg-26(a)(8)(A):

*Author note: The above language shown in yellow (shown as stricken) is being added back to the above paragraph, the strike through has been retained so you can see what s being changed. With the above yellow highlighted language added back in, the paragraph would then read as follows:*

~~Review the~~ The health carrier's ~~shall perform and document~~ comparative analyses ~~to verify that demonstrating that~~ within any classification of benefits, as written and in operation, the process, strategies, evidentiary standards, or

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**Standard 6**

**The health carrier shall ensure that it complies with all availability of plan information and related disclosure**

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