

**Appendix: MHPAEA Guidance Compendium**

In issuing its annual report on investigations of parity in mental health and substance use disorder benefits, the Department of Labor (DOL), in collaboration with the Department of Health and Human Services (HHS) and the Department of the Treasury (collectively, the Departments), is<sup>1</sup> referencing any guidance the Departments have provided to address the category of violation committed. This document provides the citations to the MHPAEA Final and Interim Final Rules and the guidance the Departments have issued for each category of violation cited in DOL’s and HHS’s FY22 MHPAEA Enforcement Fact Sheet. Additional materials that the Departments produced (including the annual reports on investigations) may also be found at: <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/mental-health-and-substance-use-disorder-parity> and [https://www.cms.gov/ccio/programs-and-initiatives/other-insurance-protections/mhpaea\\_factsheet.html](https://www.cms.gov/ccio/programs-and-initiatives/other-insurance-protections/mhpaea_factsheet.html).

Rules and Guidance Issued, Including for Categories of Violations Identified in FY 2022	Reference
<b>I. The Departments’ MHPAEA Rules</b> (26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136)	
A. <a href="#">Final Rules</a> (Published 11/13/2013)	78 FR 68240
B. <a href="#">Interim Final Rules</a> (Published 2/2/2010)	75 FR 5410
<b>II. The Departments’ MHPAEA Guidance</b>	
<b>A. Application of MHPAEA</b>	
1) <a href="#">FAQs About Affordable Care Act Implementation Part V and Mental Health Parity Implementation</a> (Issued 12/22/2010)	Question Nos. 8, 11
2) <a href="#">Understanding Implementation of the Mental Health Parity and Addiction Equity Act of 2008</a> (Issued 5/9/2012)	Questions Nos. 4-5, 7-8
3) <a href="#">FAQs About Affordable Care Act Implementation (Part XVII) and Mental Health Parity Implementation</a> (Issued 11/8/2013)	Question Nos. 1-3, 5-7
4) <a href="#">FAQs About Affordable Care Act Implementation (Part XVIII) and Mental Health Parity Implementation</a> (Issued 1/9/ 2014)	Question No. 12

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<sup>1</sup> See section 13003(a) of the 21st Century Cures Act, as amended by section 7182 of the SUPPORT for Patients and Communities Act.

Rules and Guidance Issued, Including for Categories of Violations Identified in FY 2022	Reference
5) <a href="#">FAQs About Affordable Care Act Implementation Part 31, Mental Health Parity Implementation, and Women’s Health and Cancer Rights Act Implementation</a> (Issued 4/20/2016)	Question No. 11
6) <a href="#">ACA and MHPAEA Frequently Asked Questions, Part 38</a> (Issued 6/16/2017)	Question No. 1
<b>B. Benefits in All Classifications</b>	
1) <a href="#">FAQs on Implementation of MHPAEA</a> (Issued 5/9/2012)	Question No. 4
2) <a href="#">Compliance Assistance Guide</a> (Issued 11/19/2014)	Pages 41-48
3) <a href="#">2020 MHPAEA Self Compliance Tool</a> (Issued 10/23/2020)	Section B
<b>C. Annual and Lifetime Dollar Limits</b>	
1) <a href="#">FAQs on Implementation of MHPAEA</a> (Issued 5/9/2012)	Introduction
2) <a href="#">Compliance Assistance Guide</a> (Issued 11/19/2014)	Pages 41-48
3) <a href="#">2020 MHPAEA Self Compliance Tool</a> (Issued 10/23/2020)	Section C
<b>D. Financial Limitations and Quantitative Treatment Limitations (QTLs)</b>	
1) <a href="#">FAQs on MHPAEA Outpatient Classification</a> (Issued 6/30/2010)	Question No. 1
2) <a href="#">ACA and MHPAEA Frequently Asked Questions, Part VII</a> (Issued 11/17/2011)	Question No. 7
3) <a href="#">Compliance Assistance Guide</a> (Issued 11/19/2014)	Pages 41-48
4) <a href="#">FAQs About Affordable Care Act Implementation Part 31, Mental Health Parity Implementation, and Women’s Health and Cancer Rights Act Implementation</a> (Issued 4/20/2016)	Question Nos. 8
5) <a href="#">FAQs About Affordable Care Act Implementation Part 34 and Mental Health and Substance Use Disorder Parity Implementation</a> (Issued 10/27/2016)	Question No. 3
6) <a href="#">FAQs About Families First Coronavirus Response Act and Coronavirus Aid, Relief, And Economic Security Act Implementation Part 43</a> (Issued 06/23/2020)	Question No. 16

Rules and Guidance Issued, Including for Categories of Violations Identified in FY 2022	Reference
7) <a href="#">2020 MHPAEA Self Compliance Tool</a> (Issued 10/23/2020)	Section D, E
<b>E. Non-Quantitative Treatment Limitations (NQTLs)</b>	
1) <a href="#">ACA and MHPAEA Frequently Asked Questions, Part VII</a> (Issued 11/17/2011)	Question Nos. 2–6
2) <a href="#">Understanding Implementation of the Mental Health Parity and Addiction Equity Act of 2008</a> (Issued 5/9/2012)	Question No. 6
3) <a href="#">Compliance Assistance Guide</a> (Issued 11/19/2014)	Pages 41-48
4) <a href="#">Warning Signs: Plan or Policy NQTLs that Require Additional Analysis to Determine MHPAEA Compliance</a> (Issued 6/1/2016)	Pages 1-3
5) <a href="#">FAQs About Affordable Care Act Implementation Part 34 and Mental Health and Substance Use Disorder Parity Implementation</a> (Issued 10/27/2016)	Questions Nos. 4-9
6) <a href="#">ACA and MHPAEA Frequently Asked Questions, Part 38</a> (Issued 6/16/2017)	Question No. 1
7) <a href="#">FAQs about Mental Health and Substance Use Disorder Parity Implementation and the 21<sup>st</sup> Century Cures Act Part 39</a> (Issued 9/5/2019)	Question Nos. 1-8
8) <a href="#">2020 MHPAEA Self Compliance Tool</a> (Issued 10/23/2020)	Section F
9) <a href="#">FAQs About Mental Health and Substance Use Disorder Parity Implementation and the Consolidated Appropriations Act, 2021 Part 45</a> (Issued 4/2/2021)	Questions Nos. 1-8
<b>F. Disclosures</b>	
1) <a href="#">FAQs About Affordable Care Act Implementation Part V and Mental Health Parity Implementation</a> (Issued 12/22/2010)	Question Nos. 9-10
2) <a href="#">FAQs About Affordable Care Act Implementation (Part XVII) and Mental Health Parity Implementation</a> (Issued 11/8/2013)	Question Nos. 3, 8-9.
3) <a href="#">FAQs About Affordable Care Act Implementation (Part XXIX) and Mental Health Parity Implementation</a> (Issued 10/23/2015)	Question Nos. 12-13

Rules and Guidance Issued, Including for Categories of Violations Identified in FY 2022	Reference
4) <a href="#">FAQs About Affordable Care Act Implementation Part 31, Mental Health Parity Implementation, and Women’s Health and Cancer Rights Act Implementation</a> (Issued 4/20/2016)	Question Nos. 9-10
5) <a href="#">FAQs About Mental Health and Substance Use Disorder Parity Implementation and the 21<sup>st</sup> Century Cures Act part 39</a> (Issued 9/5/2019)	Questions Nos. 9-11, Final MHPAEA Disclosure Template
6) <a href="#">FAQs About Mental Health and Substance Use Disorder Parity Implementation and the Consolidated Appropriations Act, 2021 Part 45</a> (Issued 4/2/2021)	Question No. 6
<b>G. Enforcement &amp; Implementation</b>	
1) <a href="#">Understanding Implementation of the Mental Health Parity and Addiction Equity Act of 2008</a> (Issued 5/9/2012)	Questions Nos. 1-3, 9-10
2) <a href="#">FAQs About Affordable Care Act Implementation (Part XVII) and Mental Health Parity Implementation</a> (Issued 11/8/2013)	Question No. 4
3) <a href="#">FAQs About Affordable Care Act Implementation Part 34 and Mental Health and Substance Use Disorder Parity Implementation</a> (Issued 10/27/2016)	Question No. 2
4) <a href="#">FAQs About Mental Health and Substance Use Disorder Parity Implementation and the Consolidated Appropriations Act, 2021 Part 45</a> (Issued 4/2/2021)	Questions Nos. 1-9

**EBSA Regional Offices** - EBSA has ten regional offices (and three district offices) with benefits advisors who provide individual assistance and investigators who conduct health plan investigations under ERISA, including the requirements of MHPAEA compliance. EBSA's regional offices can be contacted at [askebsa.dol.gov](http://askebsa.dol.gov) or 1-866-444-3272, and are in the following locations:

**Atlanta Regional Office**

61 Forsyth St, SW, Ste 7B54  
Atlanta, GA 30303  
Tel (404) 302-3900  
Fax (404) 302-3975

**Boston Regional Office**

JFK Federal Bldg  
15 New Sudbury St, Ste 575  
Boston, MA 02203  
Tel (617) 565-9600  
Fax (617) 565-9666

**Chicago Regional Office**

John C. Kluczynski Federal Bldg  
230 S. Dearborn Street, Ste 2160  
Chicago, IL 60604  
Tel (312) 353-0900  
Fax (312) 353-1023

**Cincinnati Regional Office**

1885 Dixie Hwy, Ste 210  
Ft. Wright, KY 41011-2664  
Tel (859) 578-4680  
Fax (859) 578-4688

**Dallas Regional Office**

525 South Griffin St, Ste 900  
Dallas, TX 75202-5025  
Tel (972) 850-4500  
Fax (214) 767-1055

**Kansas City Regional Office**

2300 Main St, Ste 1100  
Kansas City, MO 64108  
Tel (816) 285-1800  
Fax (816) 285-1888

**Los Angeles Regional Office**

35 N. Lake Ave., Ste 300  
Pasadena, CA 91101  
Tel (626) 229-1000  
Fax (626) 229-1098

**Miami District Office**

1000 S Pine Island Road, Ste 100  
Plantation, FL 33324  
Tel (954) 424-4022  
Fax (954) 424-0548

**New York Regional Office**

201 Varick St, Room 746  
New York, NY 10014  
Tel (212) 607-8600  
Fax (212) 607-8681

**Philadelphia Regional Office**

1835 Market Street, 21<sup>st</sup> Floor  
Mailstop EBSA/21  
Philadelphia, PA 19103-2968  
Tel (215) 861-5300  
Fax (215) 861-5347

**San Francisco Regional Office**

90 7th St, Ste 11-300  
San Francisco, CA 94103  
Tel (415) 625-2481  
Fax (415) 625-2450

**Seattle District Office**

300 Fifth Avenue, Ste 1110  
Seattle, WA 98104  
Tel (206) 757-6781  
Fax (206) 757-6662

**Washington District Office**

1335 East-West Hwy, Ste 200  
Silver Spring, MD 20910  
Tel (202) 693-8700  
Fax (202) 693-8736