

Does Your Group Health Plan Still Exclude ABA Therapy? The DOL Has Thoughts on That.

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PRACTICES Employee Benefits and Executive Compensation

Mental Health Parity and Addiction Equity Act (“**MHPAEA**”) and enforcement is a top priority for the DOL. In a recent blog post, the DOL stated it is focused on ensuring that mental health benefits for Applied Behavior Analysis (“**ABA**”) therapy are protected in accordance with the MHPAEA and does this through “vigorous enforcement, compliance assistance and collaboration with other federal agencies.” The blog lists several examples of enforcement actions taken with respect to ABA therapy, including investigations by the DOL Employee Benefits Security Administration’s Los Angeles, Dallas, and Chicago Regional Offices that resulted in the elimination of the exclusion for ABA therapy for approximately one million participants. Employers that sponsor group health plans for employees should ensure they are conducting and documenting annual MHPAEA compliance reviews and be prepared to respond to DOL inquiries in the event of a participant’s complaint or a DOL audit.

The blog post can be found [here](#).