

# Final Mental Health Parity Rules Impose New Requirements on Health Plans

---

September 17, 2024

---

**PRACTICES** Employee Benefits and Executive Compensation

---

The DOL, Treasury Department, and HHS recently released final rules amending regulations implementing the Mental Health Parity and Addiction Equity Act of 2008 (“**MHPAEA**”) and also adopting new regulations implementing the nonquantitative treatment limitation (“**NQTL**”) comparative analysis requirement added by the Consolidated Appropriations Act, 2021.

The final rules contain a number of new requirements, including:

1. Employer-sponsored group health plans must collect and evaluate data to assess the impact of NQTLs on access to mental health and substance use disorder benefits and medical/surgical benefits and address any material differences in this access resulting from the NQTLs.
2. The NQTL comparative analysis must include a certification by a named fiduciary that they have (i) engaged in a prudent process to select one or more qualified service providers to perform and document the NQTL comparative analysis and (ii) satisfied their duty to monitor those service providers. For this purpose, the DOL stated that it expects that a plan fiduciary making such a certification will, at a minimum, review the comparative analysis; ask questions about the analysis and discuss it with service providers, as necessary, to understand the findings and conclusions; and ensure that a service provider responsible for performing and documenting a comparative analysis provides assurance that, to the best of its ability, the NQTL and associated comparative analysis complies with the requirements of MHPAEA and its implementing regulations.
3. Plans must provide “meaningful benefits” for any covered mental health condition or substance use disorder in every classification in which medical/surgical benefits are provided, including a standard treatment or course of treatment, therapy, service, or intervention indicated by generally recognized independent standards of current medical practice.

The final rules are generally applicable for plan years beginning on or after January 1, 2025. However, the meaningful benefit standard, data evaluation requirements, and NQTL comparative analysis requirements apply as of plan years beginning on or after January 1, 2026. Note that, until these effective dates, plans must continue to comply with the existing MHPAEA requirements, including the requirement to produce an NQTL comparative analysis in accordance with current guidance.

Employers sponsoring group health plans will need to rely on their third-party administrators and other service providers to ensure compliance with the final rules, and they should determine how such service providers will both assist with compliance and document such assistance in their service agreements.

The final rule is available [here](#).