

June 13, 2022

By Electronic and US Mail

Ali Khawar
Acting Assistant Secretary
Employee Benefits Security Administration
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Mental Health Parity Guidance and Enforcement Proposals

Dear Acting Assistant Secretary Khawar:

We write on behalf of the undersigned Coalition in follow-up to our letter dated May 16, 2022. As noted in our prior correspondence, the Coalition is a *unique and broad alliance of stakeholders*; through its membership, the Coalition provides mental health and substance use disorder benefits to the *vast majority of Americans* covered by private health insurance plans, both self-insured and insured. The Coalition appreciates the ongoing discussions regarding compliance with the Mental Health Parity and Addiction Equity Act (“MHPAEA”), as well as expectations related to parity compliance documentation and the enforcement process for MHPAEA’s nonquantitative treatment limitation (“NQTL”) comparative analyses requirements. As you know, several members of the Coalition met with Secretaries Walsh and Becerra last month and very much appreciated that opportunity.

As also noted in our prior correspondence, the Coalition has prepared for the Departments’ consideration detailed guidance and enforcement proposals addressing these issues, which we have enclosed for your review. We are submitting this letter and detailed guidance and enforcement proposals in advance of, and are looking forward to, our June 15 meeting with the Departments.

We believe that the Coalition’s proposed guidance and enforcement recommendations will enhance the Departments’ current guidance, support entities who are actively working to comply with parity requirements, and help regulators focus their resources on addressing true parity violations impacting patients’ access to care. We also hope that the Coalition’s recommendations will serve as a resource to the Departments in connection with forthcoming rulemaking efforts.

As always, we appreciate the Departments’ focus on critical mental health and substance use disorder issues, including parity. We look forward to discussing the Coalition’s guidance

recommendations with the Departments and to continuing to work collaboratively with the Departments to improve MHPAEA compliance. Please do not hesitate to reach out to Lisa Campbell (lcampbell@groom.com) and Michael Kreps (mkreps@groom.com) with questions at any time.

Sincerely,

American Benefits Council
Anthem, Inc.
Association for Behavioral Health and Wellness
AHIP
Blue Cross Blue Shield Association
Business Group on Health
ConnectiCare
CVS Health/Aetna
EmblemHealth
Health Care Service Corporation
National Coordinating Committee for
Multiemployer Plans
The ERISA Industry Committee
UnitedHealthcare
U.S. Chamber of Commerce

cc: Jeff Wu
Deputy Director for Policy
Center for Consumer Information and Insurance Oversight
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