

New Guidance on Coverage for Eating Disorders

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The Departments of Labor, Treasury, and Health and Human Services recently released a frequently asked question (“FAQ”) regarding the implementation of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (“MHPAEA”), as amended by the Affordable Care Act (“ACA”) and the 21st Century Cures Act (“Cures Act”), with respect to eating disorders.

Under MHPAEA, any financial requirements or treatment limitations imposed by a plan on mental health and substance use disorder benefits cannot be more restrictive than the predominant financial requirements and treatment limitations that apply to substantially all medical and surgical benefits. The FAQ points out that “mental health benefits” are defined in the regulations implementing MHPAEA as “benefits with respect to items or services for mental health conditions, as defined under the terms of the plan or health insurance coverage and in accordance with applicable Federal or State law, which must be defined to be consistent with generally recognized independent standards of current medical practice.” The FAQ then confirms that eating disorders are mental health conditions, and therefore, treatment of an eating disorder is a “mental health benefit” within the meaning of that term as defined by MHPAEA.

Plan sponsors should review their health plans to ensure that, if treatment for eating disorders is covered, the financial cost sharing limits are no more restrictive than those for medical/surgical treatment. Also, any medical management programs, such as prior authorization requirements and visit limits, cannot be applied in a more restrictive manner for eating disorders than they are for medical/surgical conditions.

In the FAQ, the Departments requested comments on whether any additional clarification is needed regarding how the requirements of MHPAEA apply to treatment for eating disorders. If you wish to submit a comment, you must do so by September 13, 2017.

If you have any questions regarding the Mental Health Parity and Addiction Equity Act or want to discuss other employee benefits questions, please contact Jo-Anne Mineweaser or 412-594-3920.