



## U.S. DEPARTMENT OF LABOR

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### News Release

## US DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, TREASURY ISSUE 2024 MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT REPORT TO CONGRESS

### *Shows progress, but restrictions for mental health, substance use disorder benefits persist*

**WASHINGTON** – The U.S. Departments of Labor, Health and Human Services, and the Treasury today issued their 2024 Report to Congress on the Mental Health Parity and Addiction Equity Act enforcement and implementation, which suggests that group health plans and health insurance issuers are making progress complying with the Mental Health Parity and Addiction Equity Act, but are continuing to fall short of the requirement to cover mental health and substance use disorder benefits in parity with medical and surgical benefits.

The report highlights the ongoing efforts of the departments to strengthen and enforce the protections of MHPAEA and better ensure that plan participants, beneficiaries and enrollees do not face greater barriers in trying to access mental health and substance use disorder benefits as compared to medical and surgical benefits, including finalizing new rules for MHPAEA in September 2024. The report also details the steps the departments have taken to raise awareness of MHPAEA’s protections in the participant, provider and plan communities.

“While health plans and insurance companies continue to fall short in providing parity in mental health and substance use disorder benefits, the Department of Labor’s efforts have achieved corrections that have directly benefited over 7.6 million participants in more than 72,000 plans,” said Acting Secretary of Labor Julie Su. “The departments’ recently issued final rules strengthen protections for participants, beneficiaries and enrollees when trying to access mental health and substance use disorder benefits. They also provide further details on the requirements that health plans and issuers must follow, which the departments expect will improve access to benefits in the future.”

“Access to affordable mental health care and substance use disorder treatment is not only a vital component of our nation’s health – it’s the law,” said Health and Human Services Secretary Xavier Becerra. “Protecting and strengthening access to mental health and substance use services are critical components of President Biden’s Unity Agenda as well as HHS’ Behavioral Health Workforce Strategy and Overdose Prevention Strategy. HHS will continue to make sure insurers are in compliance and ensure that everyone in the United States gets the support and care they need and deserve.”

The department’s Employee Benefits Security Administration continues to take unprecedented steps to enforce the law and ensure that it is using its full authority to facilitate access to mental health and substance use disorder treatment. Similarly, HHS, through the Centers for Medicare & Medicaid Services, has increased its MHPAEA enforcement activities in the individual and fully insured group markets in states where CMS has enforcement authority and over non-federal governmental plans in all states.

“In enforcing the Mental Health Parity and Addiction Equity Act, the Employee Benefits Security Administration is exercising its full authority under the law to help ensure that workers, their families and beneficiaries don’t face greater roadblocks in trying to access care for mental health conditions and substance use disorders,” said Assistant Secretary for Employee Benefits Security Lisa M. Gomez. “As we continue to strengthen and build on these efforts through regulation, enforcement and compliance assistance, EBSA is determined to deliver on the law’s promises. This year’s report highlights not only what plans and issuers need to correct, but also how plans and issuers are making improvements and moving in the right direction. ”

The report outlines the departments’ efforts to interpret, implement and enforce the amendments to MHPAEA made by the Consolidated Appropriations Act, 2021. The CAA provided the departments with an important new MHPAEA enforcement tool that requires plans and issuers to analyze and document compliance with the law for nonquantitative treatment limitations to ensure parity between mental health and substance use disorder benefits and medical/surgical benefits. This provision also

requires the departments to report findings annually. Today’s issuance is the third report and additionally satisfies the requirement for the Department of Labor to issue a biennial report to Congress on compliance of group health plans - and health insurance coverage offered in connection with such plans - with MHPAEA.

The report also details the departments’ ongoing efforts to reduce stigma surrounding mental health conditions and substance use disorders that individuals often face. In addition, as part of the report, the departments are also releasing an unredacted 2024 settlement agreement between EBSA and a health plan that describes the actions the plan agreed to undertake to correct alleged violations of MHPAEA and illustrates the types of activities plans and issuers can undertake to monitor and address disparities in access to providers. The report also includes several examples that are based upon enforcement experience showing how plans and issuers can make corrections to comply with the law.

Also being released with the 2024 Report to Congress is a fiscal year [2023 MHPAEA enforcement fact sheet](#) that highlights enforcement data and significant results from MHPAEA investigations closed by EBSA and CMS in fiscal year 2023.

EBSA has primary enforcement jurisdiction over MHPAEA for approximately 2.6 million health plans covering roughly 136 million workers, retirees and their families. CMS has enforcement jurisdiction over MHPAEA for approximately 67 issuers in the individual and fully insured group markets in two states that are not substantially enforcing MHPAEA and for approximately 91,000 non-federal governmental plans nationwide.

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