



July 23, 2020

Amber M. Rivers
Director
Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration
Department of Labor
200 Constitution Ave. NW
Washington, DC. 20201

Re: Proposed Updates to 2020 MHPAEA Self-Compliance Tool

Dear Ms. Rivers:

The Ohio Council of Behavioral Health & Family Services Providers (The Ohio Council) thank you for the opportunity to provide comments on the U.S. Department of Labor's (DOL) proposed update to the 2020 MHPAEA Self-Compliance Tool. The Ohio Council is a statewide trade association that represents community based mental health, addiction treatment and family services providers throughout Ohio. The Ohio Council is also the anchor agency for Ohio's Parity at Ten Coalition – a diverse group organizations working together in Ohio to advocate for greater parity education and enforcement.

The Ohio Council strongly supports the DOL's proposal to incorporate into the Self-Compliance Tool recent guidance and compliance examples. The proposed revisions will ensure a more uniform interpretation of commonly applied non-quantitative treatment limitations (NQTLs) and will help consumers and regulators enforce the Parity Act's protections.

We also believe that each health plan and issuer must have an internal compliance plan to meet its legal obligation to "not sell a policy, certificate, or contract of insurance that fails to comply with [parity requirements with respect to aggregate lifetime and annual dollar limits , financial requirements, and treatment limitations].... 29 C.F.R. § 2590.712(h). We respectfully suggest that the proposed MHPAEA Compliance Plan is not sufficient to ensure that issuers and plans meet their legal obligation. A stronger compliance framework is needed to ensure rigorous internal plan review prior to the offering of plans and to relieve regulators and consumers of the heavy and unrealistic burden to identify violations when they have limited or no access to essential plan documents.

In addition, we do not believe that the NAIC Market Conduct template, which is identified as a possible tool for data gathering and compliance review, is adequate. The NAIC tool omits key NQTLs, does not constitute a tool for comparative analysis of compliance, and is less rigorous than templates being adopted by state insurance regulators. We urge the DOL to identify the DOL Self-Compliance Tool itself for purposes of compliance testing and guidance. Recommending the use of inconsistent guidance and tools to regulators, issuers and plans, and consumers will further inhibit strong enforcement of the Parity Act.

The Ohio Council and Ohio Parity at Ten Coalition associate with and strongly support the comments and recommendations offered by the Legal Action Center regarding DOL's Self-Compliance Tool.

Indeed, greater transparency and enforcement of the Parity Act will help people in Ohio access the care and services that are due to them through their insurance plans. The Parity Act is the law, it's time to enforce it and hold issuers accountable.

Thank you for the opportunity to offer our views on this important subject.

Sincerely,

Geoffrey Collver
Associate Director