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Proposed regulations: Implementation of amended nonquantitative treatment limitation comparative analyses requirements for health plans

The Treasury Department and IRS—along with the Department of Labor (DOL) and the Department of Health and Human Services (HHS)—today released for publication in the Federal Register proposed regulations (REG-120727-21) implementing the nonquantitative treatment limitation (NQTL) comparative analyses requirements under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), as amended by the Consolidated Appropriations Act, 2021.

The [proposed regulations](#) [PDF 906 KB] (118 pages as published in the Federal Register on August 3, 2023) specifically would:

- Amend the existing NQTL standard to prevent plans and issuers from using NQTLs to place greater limits on access to mental health and substance use disorder benefits as compared to medical/surgical benefits
- Require plans and issuers to collect and evaluate relevant data in a manner reasonably designed to assess the impact of NQTLs on access to mental health and substance use disorder benefits and medical/surgical benefits
- Set forth a special rule with regard to network composition
- Amend existing examples and add new examples on the application of the rules for NQTLs to clarify and illustrate the protections of MHPAEA
- Set forth the content requirements for NQTL comparative analyses and specify how plans and issuers must make these comparative analyses available to the Treasury Department, DOL, and HHS, as well as to an applicable State authority, and participants, beneficiaries, and enrollees
- Implement the sunset provision for self-funded, non-federal governmental plan elections to opt out of compliance with MHPAEA, as adopted in the Consolidated Appropriations Act, 2023.

The proposed regulations are proposed to apply for policy years beginning on or after January 1, 2026.

The comment period was extended to October 17, 2023 (from October 2, 2023). Read the [extension of comment period](#) [PDF 237 KB]

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