

What Should I Know About the MHPAEA and 21st Century Cures Act

Date: Thursday, September 7, 2017

Time: 1:00 p.m. to 3:00 p.m.

Cost: \$199.99 for live webinar and the recorded podcast for future listening

TPAs and stop-loss carriers, plan sponsors fiduciaries and brokers and consultants are invited to learn critical information about their expanding risks and responsibilities arising from existing and proposed changes to rules and enforcement of federal group health plan mental health and substance abuse (MH/SUB) coverage and privacy rules under the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), as supplemented by the Patient Protection and Affordable Care Act (ACA) and the 21st Century Cures Act (Cures Act) and the Privacy Rules of the Health Insurance Portability & Accountability Act (HIPAA) conducted by attorney Cynthia Marcotte Stamer.

This Webinar will examine the regulatory and enforcement activity relating to the Mental Health Parity and Addiction Equity Act and 21st Century Cures Act. It will include a discussion of issues relating to DOL FAQs and HHS guidance, development in the area of expansion disclosure requirements for health plan compliance with the protections of the MHPAEA. Cynthia Marcotte Stamer will discuss joint guidance published June 16, 2017 by Departments of Labor (DOL), Health & Human Services (HHS) and Treasury (collectively, the agencies) sends another strong reminder of the importance of cleaning up and maintaining group health plan compliance with the federal group health plan mental health and substance abuse coverage and benefit requirements.

Building upon federal group health plan mental health parity mandates originally implemented under the Mental Health Parity Act, the MHPAEA generally requires that any financial requirements or treatment limitations group health plans impose on mental health and substance use disorder (MH/SUD) benefits not be restrictive than the predominant financial requirements and treatment limitations that apply to substantially all medical and surgical benefits. MHPAEA also imposes several disclosure requirements on group health plans and health insurance issuers. Not satisfied with the MHPAEA coverage and disclosure protections, however, Congress subsequently broadened federal MH/SUD benefit rights under group health plans through the enactment of the ACA and the Cures Act. Congress also imposed special requirements and protections for mental health treatment records adds additional responsibilities for group health plans and their service providers when dealing with information and records in connection with the administration of MH/SUD benefits.

Over the past year, the agencies have responded to the ACA and the Cures Act by tightening their MHPAEA rules and acting to step up awareness, oversight and enforcement of these requirements. In the face of these developments and growing enforcement risks and liabilities, the group health plans, their employer and other sponsors, fiduciaries, insurers, and their administrative and other service providers should move quickly to understand and update their plans and practices to comply with these recent developments while bracing for the likely need to deal with further expanded disclosure and other additional responsibilities under the MHPAEA jointly proposed by the Departments on June 16, 2017.

Ensuring proper compliance with these federal rules is particularly important to avoid triggering the substantial liability that health plans, their employer and other sponsors, insurers, and administrators can incur if their health plan violates these mandates.

Obviously, plans and their sponsors, insurers and fiduciaries can expect to pay additional plan expenses necessary to pay wrongfully denied benefits and other expenditures the plan or its fiduciaries expend to investigate, defend and resolve claims or compliance audits, investigations, litigation or actions brought by the Departments, state insurance regulators with respect to state governments or insurers, or private litigation by participants or beneficiaries. Many employer or other plan sponsors may be unaware that these violations also generally expose employers and other health plan sponsors to liability to self-identify, self-report on Internal Revenue Service Form 8928 and self-pay and excise tax of up to **\$100 per participant per day per uncorrected violation** by the due date for filing of their annual corporate tax return

Speaker: Cynthia Marcotte Stamer, Esq.

A Fellow in the American College of Employee Benefit Counsel, the American Bar Foundation and the Texas Bar Foundation, Ms. Stamer shares her thought leadership, experience and advocacy on these and other concerns by her service in the leadership of a broad range of other professional and civic organization including her involvement as Executive Director of the Coalition on Responsible Health Policy and its PROJECT COPE; current Vice Chair of the ABA Tort & Insurance Practice Section Employee Benefits Committee, current Vice Chair of Policy for the Life Sciences Committee of the ABA International Section, Past Chair of the ABA Health Law Section Managed Care & Insurance Section, Past Group Chair, current Defined Contribution Plan Committee Co-Chair, former Welfare Committee Chair and Co-Chair of the ABA RPTE Section Employee Benefits Group, immediate past RPTE Representative to ABA Joint Committee on Employee Benefits Council Representative and current RPTE Representative to the ABA Health Law Coordinating Counsel, former Coordinator and a Vice-Chair of the Gulf Coast TEGE Council TE Division, past Chair of the Dallas Bar Association Employee Benefits & Executive Compensation Committee, former member of the Board of Directors of the Southwest Benefits Association and others.

Registration:

<http://spba.peachnewmedia.com/store/seminar/seminar.php?seminar=98384>

Learning Objectives:

Summarize key federal group health plan mental health and substance abuse coverage and disclosure requirements collectively imposed under the MHPAEA, ACA and Cures Act;

Overview of the Departments' latest guidance on their interpretation of the MHPAEA coverage and disclosure requirements, taking into account joint guidance jointly published by the Departments since October, 2016 including the June 16, 2017 Mental Health Parity Implementation FAQs Part 38, the proposed Draft MHPA Disclosure Template and PRA Information Request and their potential implications for health plans and their employers and other sponsors, fiduciaries, administrators and insurers;

Discuss special claims administration requirements and considerations that claims administrators and fiduciaries should account for when processing

MH/SUB claims and appeals given MHPAEA and ACA claims and appeals requirements;

Share insights on certain plan terms and practices to watch for and to manage common compliance risks based on existing guidance;

Review certain special rules affecting authorizations and other requirements affecting the use, access and disclosure of certain mental health and substance abuse treatment, payment and other health records imposed under the HIPAA Privacy Rule;

Share other practical considerations & best practices for compliance and risk management; and

Respond to audience participant questions as time permits.

Cost

The cost will be \$199.99 per location for the live webinar and the podcast. You may have as many people as can fit in a room, hear a conference call and see a computer screen for the live webinar.

Technical Notes

Technical Warning One - Once you have registered you will need to tell your technical people to set your firewalls to accept email from two different email addresses: support@peachnewmedia.com and Michael.lombardo@peachnewmedia.com. Confirmation emails and reminders will be sent from these two different emails.

As of June 1, 2017 anyone using Internet Explorer version 10 or older will not be able to view a live webcast, or on-demand stream. You will need to be using a newer version of Internet Explorer.

Technical Warning Two – Freestone is the platform used to stream the webinar. In the event that polling questions are incorporated into the webinar, please ensure that your pop-up blocker is turned off or adjusted so that they are able to appear.

Webinar Recorded for Future Listening

In addition to this live webinar, this webinar will be recorded and offered in a streaming mode (Internet connection required) and a podcast only format (permitting you to download the recording and use it disconnected from the Internet). The podcast is an MP3 format, audio-only file, that you can “save as” to your computer hard drive and then move to any MP3 compatible device. The podcast will not provide the corresponding PPT video since it is an audio-only file. However, you can download the PPT from the SPBA website.