NATIONAL BOARD FOR CERTIFIED COUNSELORS®

Department of Labor Clarifies Enforcement Priorities for Mental Health Parity Protections

New Guidance

In September, the Department of Labor's Employee Benefits Security Administration (EBSA) issued guidance on enforcing mental health parity requirements involving nonquantitative treatment limitations, including:

- prior authorization
- medical necessity reviews
- utilization management
- provider networks
- reimbursement practices

EBSA stated that statutory parity protections remain in effect and that enforcement will focus on practices that restrict access to mental health and substance use disorder services.

What MHPAEA Requires

The Mental Health Parity and Addiction Equity Act (MHPAEA) prohibits health plans from imposing stricter requirements on mental health and substance use disorder benefits than on medical and surgical benefits. The guidance is intended to:

- **clarify** health plans' compliance responsibilities.
- **preserve** protections for participants.
- **reduce** regulatory uncertainty.
- **support** investigations of significant access barriers.



Three Enforcement Priorities

EBSA will focus on:

1. **Treatment exclusions:** blanket exclusions of behavioral health treatments when comparable medical services are covered
2. **Medical necessity reviews:** prior authorization processes that are more restrictive for mental health care
3. **Network adequacy:** provider shortages, restrictive admission standards, or reimbursement practices that limit access or increase out-of-network costs

Implications for Counselors

Mental Health Counselors may encounter clients facing:

- long waits for appointments.
- repeated authorization requests.
- treatment denials or interruptions.



With client consent, Counselors can:

- **document** denials, delays, and treatment interruptions.
- **support** insurance appeals and complaints.
- **advocate** for fair reimbursement and adequate provider networks.

What Meaningful Parity Requires

Parity involves more than identical coverage language. Clients should be able to obtain behavioral health care that is timely, affordable, clinically appropriate, and available through an adequate provider network.

Resources

EBSA Field Assistance Bulletin No. 2026-03

CMS: Mental Health Parity and Addiction Equity Act

DOL: MHPAEA Final Rule Enforcement Statement

NBCC Resources