Sample Text for MHPAEA Proposed Rule

Incorporating concepts from the No Surprises Act (NSA) and system audits to enhance transparency, awareness, and compliance.

: Training Requirements for Customer Service Representatives

Training on MHPAEA Protections:
- "Health plans and Third-Party Administrators (TPAs) are required to implement comprehensive training programs for customer service representatives. This training must cover all aspects of the Mental Health Parity and Addiction Equity Act (MHPAEA) protections, including understanding parity requirements, identifying potential violations, and guiding participants on how to file complaints."

Communication Skills:

- "Customer service representatives must be trained to communicate clearly and effectively with participants about their rights under the MHPAEA. Training programs should ensure that representatives can provide information that is accessible and understandable to all participants, including those with disabilities and limited English proficiency."

Handling MHPAEA Complaints:
- "Health plans and TPAs must train customer service representatives on the dedicated procedures for handling MHPAEA-related complaints. This training should include the steps for filing a complaint, tracking its resolution, and providing feedback to participants to ensure timely and effective management of participant issues."

Regular Training Updates:
- "Health plans and TPAs must provide regular updates to training programs for customer service representatives to ensure they remain current with changes to MHPAEA regulations and best practices."

Accessibility of Training Materials:
- "All training materials must be made accessible to customer service representatives, including provisions for language translation and accommodations for disabilities, ensuring compliance with accessibility standards."

Public Notice and Accessibility Requirements

Public Notice Requirements:
- "Health plans and TPAs must publicly post and include in plan documents a notice detailing mental health parity rights under MHPAEA. This notice must include separate contact information for filing complaints related to MHPAEA violations, including specific phone numbers, email addresses, and website URLs for the relevant state and federal agencies."

Website Posting Requirements:
- "Health plans and TPAs are required to post up-to-date information about MHPAEA protections prominently on their websites. The information must be written in clear, understandable language and must be accessible to individuals with disabilities and those who speak languages other than English."

Monitoring and Reporting Requirements

Monitoring and Reporting:
- "Health plans and TPAs are required to document and report on the training programs provided to customer service representatives. This documentation should demonstrate compliance with MHPAEA requirements and confirm that all representatives have completed the necessary training."

Participant Feedback Mechanism:
- "Health plans and TPAs are required to implement a feedback mechanism for participants to provide input on the effectiveness of customer service training programs related to MHPAEA protections. Feedback must be reviewed regularly and used to improve training programs."

Third-Party Audit Requirements:
- "Health plans and TPAs must undergo third-party audits to verify compliance with MHPAEA training requirements. These audits should be conducted annually and the results reported to the appropriate regulatory agencies."

Enforcement and Penalties:
- "Failure to comply with the training, public notice, and reporting requirements outlined in this section shall result in enforcement actions and penalties as deemed appropriate by the Department of Labor, in coordination with the Department of Health and Human Services and the Treasury."

Coordination with State Laws:
- "The requirements outlined in this section shall be implemented in coordination with state laws that provide greater protections for mental health parity. In cases where state laws offer more robust protections, those laws shall take precedence."

Integrated Communication Channels:

"MBHOs must establish integrated communication channels with medical/surgical benefit administrators to ensure seamless coordination of care. Participants should not experience any delays or additional barriers when transitioning between behavioral health and medical/surgical services. The experience of seeking care for mental health or substance use disorders must be comparable to the experience of seeking care for medical/surgical conditions, without the need for transfers between different departments or representatives."

Parity in Participant Experience:

"Health plans must ensure that participants receive a similar experience whether they are seeking care for mental health/substance use disorders or medical/surgical conditions. This means that the ease of accessing information, filing claims, and receiving customer service should not differ between mental health and medical/surgical benefits. Any disparities in the participant experience between these two areas will be considered a violation of MHPAEA."

AI Quality Assurance and Monitoring:

Health plans are required to implement comprehensive methods to ensure the quality, fairness, and effectiveness of AI systems used for mental health/substance use disorder (MH/SUD) benefits. The following methods must be adopted and documented:

Performance Metrics: Measure and report on the AI system's accuracy, precision, recall, and F1 score to ensure it meets industry standards and performs reliably.

Bias and Fairness Analysis: Conduct demographic analysis and use fairness metrics to detect and mitigate biases, ensuring equitable performance across different demographic groups.

Error Analysis: Utilize confusion matrices and error rate calculations to identify and address types of errors the AI system makes, improving its overall reliability.

User Feedback and Satisfaction: Collect and analyze user feedback through surveys and usability testing to identify common issues and ensure a satisfactory user experience.

Robustness Testing: Perform adversarial and stress testing to evaluate the AI system's performance under challenging conditions and ensure its robustness.

Transparency and Explainability: Employ model interpretability tools and transparency reports to understand the AI system's decision-making processes and ensure ethical compliance.

Compliance and Standards: Ensure the AI system complies with relevant regulations and industry best practices, regularly auditing the system for ongoing adherence.