

Blue Cross Blue Shield of Michigan, Blue Care Network Compliance Confirmation

October 23, 2024

The Mental Health Parity and Addiction Equity Act prohibits group health plans and issuers from imposing non-quantitative treatment limitations (NQTs) on mental health and substance use disorder (MH/SUD) benefits in any classification that are more restrictive, as written or in operation, than the predominant NQTL that applies to substantially all medical/surgical (M/S) benefits in the same classification. Group health plans and issuers are required to ensure their NQTs comply with these requirements by performing comparative analyses.

The 2024 MHPAEA Final Rule requires a named fiduciary of a group health plan subject to ERISA to certify the fiduciary's engagement in a prudent process to select one or more qualified service providers to perform and document the NQTL comparative analysis as well as satisfaction of the duty to monitor the service providers.

For fully insured groups, Blue Cross Blue Shield of Michigan (BCBSM) and Blue Care Network (BCN) are responsible for the design and implementation of NQTs. BCBSM and BCN perform comparative analyses for the NQTs they apply to their respective insured plans and believe those NQTs and the plans themselves are fully compliant with MHPAEA as written and in operation.

For self-funded groups, BCBSM and BCN are not responsible for benefit design or other plan specific decisions. Self-funded groups should discuss their respective plan designs, NQTL comparative analyses, and the fiduciary certification with their legal counsel or consultant.