

September 27, 2024

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244
Chiquita.Brooks-LaSure@cms.hhs.gov

The Honorable Daniel Tsai
Deputy Administrator and Director, Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244
Daniel.Tsai@cms.hhs.gov

Re: CMS Request for Comments on Templates for Documenting Compliance with Mental Health Parity and Addiction Equity Act (MHPAEA) Requirements in Medicaid and CHIP

Dear Administrator Brooks-LaSure and Deputy Administrator Tsai,

The undersigned groups request that the Centers for Medicare & Medicaid Services (CMS), Center for Medicaid and CHIP Services (CMCS) extend the comment period provided for the recently released Request for Comments on Templates for Documenting Compliance with Mental Health Parity and Addiction Equity Act (MHPAEA) Requirements in Medicaid and the Children's Health Insurance Program (CHIP) (also known as the Parity Compliance Tools or Compliance Tools). For the reasons stated below, we request that the comment period on the CMS Compliance Tools be extended an additional 60 days.

The proposed CMS Parity Compliance Tools contains multiple detailed and broad-reaching templates and instructional guides for Medicaid Managed Care Organizations (MCOs), Medicaid Alternative Benefit Plans (ABPs), and CHIP. Stakeholders need sufficient time to thoroughly analyze these tools in order to develop and submit meaningful recommendations. Comments on the Parity Compliance Tools are currently due on October 29. Those subject to the Medicaid and CHIP parity regulations will need time to gather and consolidate input from across their organizations to test these templates adequately. An additional 60 days for the development of comments will help ensure that stakeholders can carefully examine these tools to streamline compliance and improve mental health (MH) and substance use disorder (SUD) parity requirements.

Additionally, the U.S. Department of Labor (DOL), U.S. Department of Health and Human Services (HHS), and U.S. Department of Treasury (Treasury) – collectively, “the Tri-Departments” released the MHPAEA Final Rule on September 9, the same date as the CMS

Compliance Tools. To effectively address the issues raised in CMCS's templates and instructional guides, stakeholders will need to consult with technical experts in addition to solicit and gather input from internal staff, many of whom are focused on understanding and planning implementation for the Tri-Department Final Rule. An additional 60 days to comment on the CMS Compliance Tools will allow these staff not to be forced to digest the Tri-Department Final Rule to the detriment of CMS's Compliance Tools.

We are concerned that not extending the comment period on the CMS Compliance Tools could compromise the quality of these instruments. Sufficient time is needed to review these templates to ensure they can be operationalized to strengthen MH and SUD compliance.

Thank you for considering this request.

Sincerely,

Alliance of Community Health Plans
Association for Behavioral Health and Wellness
Blue Cross Blue Shield Association