



Mental Health & Substance Use Disorder Parity

Frequently Asked Questions

August 2020

What is mental health and substance use disorder parity?

Parity laws recognize that physical and behavioral health (mental health and substance use disorders) are equally important for overall health and quality of life.

Parity laws require that behavioral health benefits are not more difficult to obtain than physical health benefits.

- **Behavioral health** benefits cover treatment and prevention for substance use disorders and mental health, such as depression or bipolar disorder.
- **Physical health** benefits cover medical care and surgery related to wellness, prevention and the treatment of health conditions.

Parity laws require that limits to the number of visits to see a provider, the length of treatment, or the scope of treatment should be no more restrictive for behavioral health care than they are for physical health care.

Is parity the law?

Yes. These laws govern mental health and substance use disorder parity:

- The Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), as amended by the Affordable Care Act (ACA)
- The 21st Century Cures Act (Cures Act)
- Colorado [HB 19-1269](#)

What is the Department doing to make sure its policies follow current parity laws?

The Department of Health Care Policy & Financing ensures parity standards for all Health First Colorado (Colorado's Medicaid program) and Child Health Plan *Plus* (CHP+) members. The Department works closely with stakeholders, providers, and the Colorado Attorney



General's Office to make sure Department policies, rates, and rules are compliant with parity laws. The Department has also provided a channel for stakeholders to provide feedback regarding proper execution of parity laws [here](#). Lastly, the Department completes an annual analysis to determine parity compliance within Health First Colorado's delivery system. [The report is on the Department's Regulatory Resource Center webpage.](#)

Does this mean members do not need a prior authorization request (PAR) for certain services anymore?

No. The Department and its vendors use prior authorization requests for both behavioral health and physical health services to determine medical necessity.

Does parity mean all behavioral health services are now covered?

No. Parity laws only apply to existing Health First Colorado benefits. The Department provides a full continuum of behavioral health services that includes short-term inpatient stays, crisis services, outpatient treatment, peer recovery services, clubhouse and drop-in centers, intensive case management, and other alternative services. The Department is not required to add additional benefits to comply with parity laws.

Does the process of credentialing a behavioral health provider and a physical health provider need to be similar?

Managed care entities must use a standard set of criteria to recruit, credential, and accept treatment providers into a managed care network of care professionals. The criteria may differ between behavioral health providers and physical health providers.

Will behavioral health and physical health providers be paid the same because of parity laws?

No. Provider reimbursement rates do not have to be the same as long as the factors that determine rates are applied comparably. As long as the processes for behavioral health service rate setting are comparable, follow industry standard practices, and are no more stringent than those used for physical health, they comply with parity requirements.

I was denied access to a behavioral health care service. Is this a parity violation?

No, but you can appeal if you disagree with the decision. Information about filing an appeal is on the Notice of Adverse Benefit Determination that you should have received, or you may contact your Regional Accountable Entity or Denver Health Medicaid Choice. Further information on appeals is in the [Health First Colorado Member Handbook](#).



What should I do if I think I have found a parity violation?

Providers and members may reach out to their Regional Accountable Entity or Denver Health Medicaid Choice if they have any questions or concerns. Contact the Behavioral Health Ombudsman Office of Colorado if you wish to file a complaint regarding covered behavioral health benefits being more difficult to access than physical health benefits.

Behavioral Health Ombudsman Office of Colorado

Call: 303-866-2789 (State Relay 711)

Email: ombuds@bhoco.org

Online: bhoco.org

For more information, contact

hcpf_parity@state.co.us

