

Publications

Important Updates on Mental Health Parity and Medicaid/CHIP Eligibility

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Mental Health Parity Update

On July 25, 2023, the long awaited mental health parity Report to Congress and proposed regulations were publicly released. Here are links to the [Report to Congress](#) and to the [proposed regulations](#).

We are currently digesting the new guidance and will circulate a *Client Alert* in the near future. We will also include a discussion of the Mental Health Parity rules at our in-person Benefits seminars in September (Cincinnati, Ohio on September 12 and Columbus, Ohio on September 19). Learn more about those [here](#).

Medicaid/Chip Update

On July 20, 2023, the Center for Medicare and Medicaid Services (CMS), along with the Departments of Treasury and Labor, took the unprecedented step of asking employers to amend employer sponsored group health plans to lengthen the typical 60-day enrollment window for individuals after loss of Medicaid or CHIP coverage.

CMS has announced a temporary special enrollment period on HealthCare.gov for persons who lose Medicaid or CHIP coverage. This special enrollment period will run from March 31, 2023 and July 31, 2024.

The request encourages employers and other plan sponsors to match steps taken by HealthCare.gov.

In order to do so, an employer will have to amend their group health plan to extend the period for special enrollment under the plans beyond the minimum 60-day period. Instead, individuals losing Medicaid and CHIP would be able to enroll at any time during the period March 31, 2023 and July 31, 2024. Coverage would be effective after enrollment.

Here is the [CMS letter request](#).

The CMS letter also reiterated a request for employers' support in educating employees about the changes to the Medicaid and CHIP eligibility standards. You can see more in our prior [Client Alert](#).

If you are interested in amending your plan to allow extended time for mid-year enrollments for employees who have lost Medicaid or CHIP eligibility, or for help in drafting an employee communication about the rule changes, please contact your Vorys attorney.