

*State of Idaho*  
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Director

**BULLETIN NO. 09-11**

**DATE:** September 29, 2009  
**TO:** Disability/Health Carriers and Producers  
**FROM:** William W. Deal, Director  
**SUBJECT:** Mental Health and Addiction Equity Act of 2008  
(Replaces Bulletin No. 00-1)

The purpose of this bulletin is to remind carriers authorized to offer disability/health insurance in Idaho that all health benefit plans issued for use in this state must conform to the requirements of the federal Mental Health Parity and Addiction Equity Act of 2008 (Public Law 110-343).

The law applies to employment-related plans for employers with 51 or more employees for plan years beginning on and after October 3, 2009. Non-employer group and individual plans are exempt. Eligible employer plans may qualify for an exemption based on increased costs as explained in the Act.

The existing federal mental health parity requirements for group health insurance plans were expanded, adding new requirements for mental health benefits and adding substance use disorder benefits. The Act does not mandate coverage of mental health or substance abuse disorder if the existing plan does not include those benefits. A plan may define the scope of "mental health services" and "substance use disorder."

If a plan includes coverage for mental health and/or substance use disorder services, the plan must apply:

- Financial requirements (deductibles, copayments, coinsurance, out-of-pocket maximums, mental health annual or lifetime maximums); and
- Treatment limitations (frequency of treatment, number of visits, days of coverage or other similar limits on the scope or duration of treatment);

that are no more restrictive than the most common or frequent requirements that apply to substantially all medical and surgical benefits under the plan. Coverage for out-of-network providers must be provided on the same basis as for other medical/surgical services.

The appropriate federal agencies (DOL, HHS and Treasury) are expected to issue regulations in the near future regarding this act.

The Idaho Insurance Code does not include mandated coverage or benefit levels for mental health or substance use disorder; however, forms will be reviewed for compliance with this federal law.

Any questions regarding this bulletin may be directed to Joan Krosch, Health Policy Specialist, (208) 334-4300, or by email to: [joan.krosch@doi.idaho.gov](mailto:joan.krosch@doi.idaho.gov)