

## SNAPSHOT

# Nondiscrimination, Parity and Benefits

Mental health services are a crucial component of health care, but not everyone has equal access to mental health benefits, accommodations or workplace supports. These disparities have far-reaching implications for individuals and employers, which may include hindering certain populations from achieving employment success.

## 5 Things to Know About Nondiscrimination, Parity and Benefits

- 1** **Mental health parity** means treating mental health conditions and substance use disorders as equivalent to physical health conditions in insurance plans.
- 2** **The 2008 [Mental Health Parity and Addiction Equity Act](#)**, as amended by the Affordable Care Act, requires that most group health plans and health insurance issuers cannot impose financial requirements or treatment limitations (such as limits on days or visits) on mental health and substance use disorder benefits that are more restrictive than what is generally imposed for medical/surgical benefits.
- 3** **Mental health parity is legislated** at the federal level via the [mental health parity law](#) and the [Affordable Care Act](#), which applied mental health parity requirements to a much larger number of health insurance plans. However, states have the power to clarify and/or expand on these federal requirements.
- 4** **As of 2023, at least [15 states and Washington, D.C.](#)** required employers to provide paid sick leave, including for mental health conditions.
- 5** **Employees may take FMLA leave** for a number of reasons, among them their own serious health condition, including a mental health condition, or to care for a spouse, child or parent who has one.

# 5 State Actions on Nondiscrimination, Parity and Benefits

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## Alabama

Alabama authorized mental or physical disability insurers to offer paid family leave benefit policies.

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## Colorado

Colorado added a requirement, as part of mandatory health insurance coverage of preventive health care services, that health plans cover an annual mental health wellness examination of up to 60 minutes performed by a qualified mental health care provider. The coverage must be comparable to the coverage of a physical examination; comply with the requirements of federal mental health parity laws; not require any deductibles copayments or coinsurance for the mental health wellness examination.

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## Kansas

Kansas expanded the definition of compensable personal injury in workers' compensation law to include mental injuries resulting from physical injury or emotional shock or after a series of work-related events.

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## Massachusetts

Massachusetts improved enforcement of parity laws by creating a clear structure for the Division of Insurance to receive and investigate parity complaints to ensure their timely resolution.

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## New Jersey

New Jersey law specifies that employees with disabilities, including mental health conditions, cannot be discriminated against in hiring, pay and compensation, promotion consideration, training, layoffs and firing.

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