



Illinois Department of Insurance

JB PRITZKER
Governor

ANN GILLESPIE
Director

TO: All Companies Writing Accident and Health Insurance and Health Maintenance Organization Health Care Plans

FROM: Ann Gillespie, Director *ARG*

DATE: 6/23/2025

RE: Company Bulletin 2025-10 - Continued Enforcement of 2024 MHPAEA Rulemaking

On May 15, 2025, the U.S. Department of Health and Human Services (“HHS”) announced¹ that it would not enforce amendments that it recently had made in 2024 to regulations implementing the federal Mental Health Parity and Addiction Equity Act (“MHPAEA”). The rulemaking was entitled “Requirements Related to the Mental Health Parity and Addiction Equity Act” (“2024 Final Rule”) and promulgated at 89 Fed. Reg. 77586 (Sept. 23, 2024).² In the May 15, 2025 announcement, HHS encouraged, but did not require, states that are primary enforcers of MHPAEA in their own jurisdictions to adopt the same non-enforcement approach toward the 2024 Final Rule. However, as of today, the 2024 Final Rule has not been formally repealed, nor overturned by a court, nor superseded by federal legislation or replacement rules.

The Illinois Department of Insurance (“Department”) is the primary enforcer of MHPAEA in Illinois for issuers and plans subject to 215 ILCS 5/370c.1.³ No provision of that statute requires deference to federal non-enforcement of lawful regulations. Neither HHS nor any court has determined that any portion of the rulemaking was contrary to law. The Department stresses the importance to the public welfare that regulators, regulated persons, and stakeholders use all available tools to ensure mental health and substance abuse equity and parity, and the 2024 Final

¹ <https://www.cms.gov/files/document/statement-regarding-enforcement-final-rule-requirements-related-mhpaea.pdf>.

² <https://www.govinfo.gov/content/pkg/FR-2024-09-23/pdf/2024-20612.pdf>.

³ Section 370c.1 also applies to Medicaid, and it assigns certain related compliance responsibilities to the Illinois Department of Healthcare and Family Services. The 2024 Final Rule did not directly or indirectly amend the separate MHPAEA regulations governing Medicaid at 42 C.F.R. Part 438, Subpart K, so this bulletin does not affect Medicaid managed care plans.

Rule was a meaningful step forward in this regard. Therefore, unless the 2024 Final Rule becomes void or is superseded by new legislation or rules, or unless the Department is otherwise enjoined from enforcement, provisions that took effect on January 1, 2025 will continue to be enforced without interruption in Illinois for issuers and plans subject to 215 ILCS 5/370c.1, and provisions that take effect January 1, 2026 will do so on schedule.

For questions regarding this Company Bulletin, please direct inquiries to DOI.InfoDesk@Illinois.gov.