



AMERICAN ACADEMY *of* ACTUARIES

May 19, 2010

Room 5205  
Internal Revenue Service  
PO Box 7604  
Ben Franklin Station  
Washington, DC 20044  
Re: CC:PA:LPD:PR (REG-120692-09)

To Whom It May Concern:

On behalf of the American Academy of Actuaries' Council on Professionalism, I would like to take advantage of the opportunity to submit comments on the interim final rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). My comments are not related to the interim final rules, but rather to the MHPAEA itself.

Section 512(a)(2)(c) titled Determinations by Actuaries includes the following:

Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries....

The American Academy of Actuaries is the actuarial organization that promotes professionalism for all U.S. based actuaries credentialed by any of the five U.S.-based actuarial organizations. The Academy has developed and maintains a Code of Professional Conduct and standards of qualification for such credentialed actuaries to practice in the United States. In addition, the Actuarial Standards Board (ASB) and the Actuarial Board for Counseling and Discipline (ABCD) are entities established within and supported by the Academy that operate independently of the Academy to establish practice standards for actuaries and to provide counseling and/or recommend discipline as appropriate.

The Academy does not license actuaries nor does it determine if an actuary is qualified to perform actuarial service. However, any actuary who is credentialed by any of the U.S.-based actuarial organizations and who issues statements of actuarial opinion in the United States is required to meet the U.S. qualification standards that are promulgated by the Academy on behalf of the entire profession and be qualified to perform such work under Precept 2 of the Code of Professional Conduct. The U.S. qualification standards generally require an actuary to meet certain basic education, examination, experience, and continuing education requirements before issuing any statement of actuarial opinion.

In the context of this structure, we recommend the following revision to the first sentence of Section 512(a)(2)(c):

Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made by an actuary who is a member of the American Academy of Actuaries, who is qualified to perform such work, and who meets the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States as promulgated by the American Academy of Actuaries.

If you have any questions or would like to discuss our comment further, please contact Sheila Kalkunte, the Academy's Assistant General Counsel (202.223.8196; [kalkunte@actuary.org](mailto:kalkunte@actuary.org)).

Sincerely,  
Kathleen A. Riley, FSA, MAAA, EA  
Vice President, Professionalism  
American Academy of Actuaries