

Legislative Update

It has been and continues to be a very busy time for LCPCs at the state and national level.

MCCA has filed comments to the Licensing Board regarding proposed rule changes which reflect the hard work and commitment of two past presidents, Jeri Stevens and Peter Comstock and our current co-president Jen Waterman in addition to current Board members and members of MCCA who forwarded their comments for inclusion. The resulting letter to the Licensing Board is a powerful and articulate document that serves us all in this ongoing process of any rule changes that impact our practices. Thanks to all who contributed! The letter is posted on the MCCA website.

On the national level it has been a tumultuous summer with the introduction of House Bill H.R. 3200 which included the language of H.R. 1693 introduced by Rep. Gordon of Tennessee . S. 671 initially proposed by Sen. Lincoln of Nebraska is a Senate version with almost identical language. Those bills provided for the long overdue inclusion of LCPCs (the language of the bills specified Licensed Mental Health Counselors as an inclusive term) as providers at the independent level of practice under Medicare Part B.

As that legislation stalled, Washington awaited a version to come from the Senate Finance Committee which has oversight of Medicare. Just last week Sen. Baucus (Chair of the Senate Finance Committee) introduced that committee's bill which does **NOT** include the provisions of S. 671.

We have a unique opportunity given the status of our senior senator, Senator Snowe, who sits on the finance Committee and whose support is seen as critical to the passage of any legislation. Indeed, she has been lately called the most powerful person in Washington because of her bipartisan voting record and with the need for Republican support for any legislation.

Sen. Lincoln has indicated she will re-introduce S. 671 as an amendment to the Finance Committee bill. Now is the time to call or write Sen. Snowe's office, either here in Maine or the DC office to ask her to co-sponsor, support or "not oppose" Sen. Lincoln's amendment! There are templates for such communication attached below. Contact information is on the MCCA website in the Legislative section. Please act today. Feel free to review the earlier posts on tips for communicating with your legislators. Our national organization AMHCA has been instrumental, along with ACA, in keeping us up to date on the quite literally day to day shifts in the legislative winds.

In a recent conference call with state chapter representatives and AMHCA staff it was also noted that mental health parity is vulnerable to subtleties in the language and scope of any legislation and is being monitored as well. For example, if a proposed insurance "clearing house" or opportunity to purchase health insurance from another state is enacted which standard of parity will be in place, the purchaser's state or the state in

which the insurance company is located? There are additional issues as well and well worth reviewing as any bill is considered.

Coming later in October will be a request to contact Sen. Collins, by virtue of her Committee assignment on Veterans Affairs, regarding the continuing effort to “encourage” the VA to move forward on the functional implementation of the job category for Licensed Mental Health Counselors within the VA system. AMHCA has made a direct request to the VA for a response to their inquiry on all our behalf and we await the response from the VA. Feel free to ask for Sen. Collins’ support of S. 671 as well. Although she may not sit on the Finance Committee she will be, hopefully, voting on some version of the bill when it emerges on to the floor of the Senate for debate.

In July of this past Summer Jen Waterman and I were fortunate to attend the leadership training as part of the AMHCA national conference in Washington. We were introduced to the subtleties of legislative advocacy by Dan Holdinghouse Chair of AMHCA’s Public Policy and Legislative Committee and Julie Clements AMHCA’s Public Policy and Legislative Director. We also spent a day on Capital Hill meeting directly with staff of Sen. Snowe’s office as well as those of Reps. Pingree and Michaud. We were not able to schedule a meeting with Sen. Collins’ office at that time. All were attentive and welcoming and importantly, encouraging us to encourage you to make your voices heard either by phone, e-mail, fax or snail mail (although snail mail can take up to six weeks to be processed for security reasons). We remain in contact with those offices both in Washington and here in Maine and will continue to do so during what is sure to be a busy fall.

Richard Lewis LCPC
MCCA co-president

From AMHCA’s PP & L Cmmittee:

Talking Points for S. 671, Medicare Reimbursement for LMHCs/LPCs and LMFTs

- Hello! My name is _____, and I am a LMHC/LPC from _____. As a LMHC/LPC, I’d like to ask that Senator Snowe/Collins supports inclusion of S. 671, a bill which expands Medicare’s pool of outpatient mental health providers to include LMHCs/LPCs.
- S. 671 has been introduced by Senator Blanche Lincoln of Arkansas. It enjoys bipartisan support with cosponsors including Senator Barrasso, Senator Dorgan, Senator Thune, Senator Widen, and Senator Bingaman.
- S. 671 has a House provision, H.R. 1693, introduced by Representative Bart Gordon (TN), that has made it into Section 1308 of the House’s health care reform bill, H.R. 3200.

- As a member of the Senate Finance Committee, the Senator's support of S. 671 and its inclusion in a greater health care reform bill is crucial.

Reasons to Support S. 671

- **Lack of Access-** Approximately 77 million seniors live in areas defined as mental health shortage areas. In these areas, there is often not access to a licensed clinical social worker or clinical psychologist, the mental health professions currently covered under Medicare Part B. There are about _____ LMHCs/LPCs practicing in my state.
- **LMHCs/LPCs are Highly Skilled Mental Health Professionals-** LMHCs/LPCs have education and training very comparable to and sometimes exceeding the minimum standards of LCSWs. Currently, LMHCs/LPCs are licensed in 49 states and DC, with California being a Governor's signature away from passing SB 788, a bill that would provide licensure to professional clinical counselors in California. All LMHCs/LPCs have a minimum of 48 hours of graduate courses in counseling. Many states require a minimum of 60 hours of coursework. Licensure across the United States as a LMHC or LPC requires 1,500-3,000 hours of supervised clinical counseling experience and several hundred hours of individual face-to-face supervised therapist/client interaction, and additionally, passage of a clinical examination. Currently, the Master's training and clinical experience of LMHCs/LPCs is being greatly underutilized.
- **Most Health Plans Recognize LMHCs/LPCs-** Most private insurers and quite a few public health plans, like Medicaid in numerous states and TRICARE, recognize the LMHC/LPC profession.
- **Medicare is an Inefficient Purchaser of Mental Health Care-** Currently, Medicare spends 80 percent of its mental health costs on exorbitant inpatient care. It spends only 20 percent on lower cost outpatient care. LMHCs/LPCs are a highly successful and less costly provider of mental health services; LMHCs/LPCs are trained to address mental health disorders before they exacerbate into chronic mental and physical conditions, necessitating higher cost inpatient care.
- **S. 671 Only Expands Medicare Provider Pool-** S. 671 does not expand the scope of services provided under Medicare. It simply expands the pool of mental health providers who can provide "medically necessary" outpatient psychotherapy.

History of S. 671

- House has supported H.R. 1693, the companion bill to S. 671.
- Senator Lincoln is prepared to offer S. 671 as an amendment to the Senate Finance bill.
- This Medicare reimbursement legislation has passed before out of the House in the CHAMP Act a few years ago.

- The cost of this bill is negligible. The Congressional Budget Office scored S. 671 to be \$500 million over 10 years and \$200 million over 5 years.

Ask for Support or No Opposition to Likely S. 671 Lincoln Amendment

- Here is how S. 671 can help seniors in my state. (Share personal story).
- I am here today to ask for Senator Snowe/Collins to support S. 671 and its inclusion in any health care reform bill or future Medicare bill to go through Congress.
- I would be interested in the Senator's support as a cosponsor, but if he does not agree to cosponsor, I sure would appreciate his support and/or word that he won't oppose Medicare coverage of LMHCs/LPCs.
- Do you have any questions about the bill?
- Do you have a business card? (Follow up with a "thank you" and synopsis of meeting to email address on the staffer's business card).
- **THANK YOU FOR YOUR TIME.**