



AMERICAN
PSYCHOLOGICAL
ASSOCIATION
PRACTICE ORGANIZATION

April 6, 2011

Dear Senator/Representative:

I am writing to request your cosponsorship of legislation by Senator Snowe and Representative Schakowsky that would add psychologists to the Medicare definition of physician. This bill (S. 483 and H.R. 831) is intended to remove inappropriate physician supervision requirements that are imposed by Medicare but not by private health insurance plans.

Including psychologists in the Medicare physician definition would not make them physicians, but it would remove barriers to the services psychologists provide. Medicare's physician definition (1861(r) of the Social Security Act) already encompasses non-physician providers. Dentists, podiatrists, optometrists and chiropractors are included in the Medicare physician definition so that they may provide services to the full extent of their licensure. Inclusion of psychologists would not reconstitute psychologists as physicians or expand their scope of practice. Only state licensure law can do that. Psychologists are the only Medicare providers required to have doctoral training who are not in the physician definition.

An actuarial analysis of the Snowe/Schakowsky bill has determined that including psychologists in the Medicare physician definition will not increase Medicare claims costs. Psychologists already provide their services in settings throughout the program and sufficient provisions will remain in place to ensure that the services psychologists provide are medically necessary and appropriate.

CMS data show that psychologists deliver nearly half of outpatient psychotherapy services and more than 70% of psychotherapy services in inpatient, partial hospital and residential care settings. Critics of the Snowe/Schakowsky bill don't count all the codes psychologists use and they misleadingly use the broader term, "outpatient mental health services." This means not only psychotherapy but medication management and "psychotherapy with evaluation & management," codes that psychiatrists bill in large numbers.

Geographically there are greater numbers of psychologists located in rural and frontier counties, which facilitates beneficiary access to doctoral level mental health professionals. Based on a 2007 APAPO study prepared by the Center for Health Policy, Planning and Research at the University of New England, there are 2,943 psychiatrists in non-Metropolitan Statistical Areas in the U.S.—a rate of 5.2 psychiatrists per 100,000 population. There are three times as many psychologists in these areas—8,867 psychologists or a rate of 15.7 psychologists per 100,000 population.

Though the Medicare statute gives psychologists independent inpatient hospital practice privileges, consistent with state law, they continue to face inappropriate physician supervision in psychiatric hospital settings. Medicare imposes inappropriate supervision requirements elsewhere too. These settings include hospital outpatient, partial hospital, comprehensive outpatient rehabilitation facility, rural health clinic, federally qualified health center and skilled nursing facility settings. Inclusion of psychologists in the physician definition will provide for a long-overdue reassessment of the services psychologists may provide within licensure without supervision.

In outpatient hospital and community mental health center settings, for example, Medicare patients who would otherwise need inpatient psychiatric care are provided partial hospital services. Psychologists can and do run partial hospital programs in the private health system today—overseeing, supervising and providing treatment—yet Medicare requires that such services must be prescribed by a physician, provided under a written treatment plan established and periodically reviewed by a physician, and furnished while under the care of a physician. If these physician barriers were removed, Medicare beneficiaries would have better access to the partial hospital services they need.

The Snowe/Schakowsky bill is supported also by the National Council for Community Behavioral Healthcare, the Bazelon Center for Mental Health Law, the Association for Ambulatory Behavioral Healthcare and the American Federation of Teachers.

We would be pleased to respond to your questions about this legislation. You may contact our office at 202-336-5889. Cosponsorship requests may be directed to Amy Pellegrino (Sen. Snowe) or Cathy Hurwit (Rep. Schakowsky).

Sincerely,

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