



May 25, 2011

Via Internet: MLN@cms.hhs.gov

Re: Medicare Learning Network Publication on Mental Health Services

To Whom It May Concern:

I am writing on behalf of the American Psychological Association (APA), the largest organization of psychologists worldwide, with over 154,000 members. Many of our members contribute to the important work of the Centers for Medicare & Medicaid Services (CMS) by providing needed psychological services to Medicare beneficiaries.

Several of our members have contacted us with concerns regarding the attached Medicare Learning Network (MLN) "Mental Health Services" publication issued in February 2011 (hereafter referred to as "the booklet"). In particular, they have raised questions about the sections pertaining to the following types of professionals: Clinical Nurse Specialists (CNS); Nurse Practitioners (NP); Physicians Assistants (PA); and Certified Nurse Midwives (CNM). These professionals are listed on page 1 of the booklet as "Mental Health Professionals" who are "recognized as being eligible to provide diagnostic and therapeutic treatment for mental, psychoneurotic, and personality disorders."

Although CNS, NP, PA and CNM may be allowed to bill for certain diagnostic services related to mental health under the Medicare laws and regulations, they are not generally considered to be "mental health professionals." For example, the recently revised CMS publication "Medicare and Your Mental Health Benefits" (see <http://www.medicare.gov/Publications/Pubs/pdf/11358.pdf>) lists psychiatrists, psychologists, social workers and "other health care professional" as covered service providers. The National Alliance on Mental Illness (NAMI) provides the following list of mental health professionals: psychiatrist, psychologist, social worker, psychiatric/mental health nurse, and licensed professional counselor (see http://www.nami.org/Content/ContentGroups/HelpLine1/Mental_Health_Professionals_Who_They_Are_and_How_to_Find_One.htm).

Furthermore, CNS, NP, PA and CNM are not generally qualified to provide psychological or neuropsychological testing. Although they may be qualified to administer specialized or brief screening instruments (e.g., CNM may provide post-partum depression screening), this is not how psychological testing is generally defined. Information on the training and experience recommended for the use of psychological tests is available under "Report of the Task Force on Test User Qualifications" at <http://www.apa.org/science/programs/testing/test-clearinghouse.aspx>. In addition, many state scope of practice laws restrict psychological testing to psychologists and other qualified mental health professionals. Neuropsychological testing requires an even higher level of expertise that may be obtained through specialized post-doctoral training (see <http://nanonline.org/NAN/Files/PAIC/PDFs/NANPositionDefNeuro.pdf>).

The Mental Health Services booklet and Chapter 15 of the Medicare Benefit Policy Manual (hereafter "Policy Manual") both include sections describing covered services for various types of providers. Section 80.2 of Chapter 15 of the Policy Manual does list a variety of types of professionals (including NP, CNS, and PA) as eligible to bill for diagnostic psychological and neuropsychological tests. However, all such services must also be authorized under state law.

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Therefore, if specific types of providers are *not* authorized to provide psychological testing under state law, those services are not covered. Whereas some state laws may allow professionals such as CNS, NP, PA, or CNM to provide services related to psychological testing (e.g., brief screening, supervised administration of psychological tests), we are not aware of *any* state laws that allow these professionals to conduct comprehensive psychological and neuropsychological testing.

In addition, the Mental Health Services booklet implies that a broader range of “psychological testing” services will be covered than is specified in the Policy Manual. For example, the booklet states that CNM “may personally perform diagnostic psychological and neuropsychological tests in accordance with State law.” By contrast, section 180.C of Chapter 15 of the Policy Manual describes CNM covered services as “services...that would otherwise be covered if furnished by a physician, including obstetrical and gynecological services” with no mention of psychological or other diagnostic testing.

For the reasons described above, we request removal of the Mental Health Services booklet from your website. Alternatively, we recommend revising the booklet as follows:

- Replace the language “Mental Health Professionals” with “Eligible Professionals” in the first and last paragraphs on page 1.
- Revise the list of Covered Health Services on page 1 by adding the word “including” before “diagnostic psychological and neuropsychological tests.”
- Revise the language under “Mental Health Professionals” on page 1 by inserting the underlined language: “The following are recognized as being eligible under Part B of the Medicare program to provide diagnostic and/or therapeutic treatment for mental, psychoneurotic, and personality disorders to the extent permitted under state law.”
- Revise the language in the “Coverage” sections for CNS, NP, PA, and CNM to more accurately reflect the limited types of services relating to psychological and neuropsychological testing that they are authorized provide as well as the requirements for supervision by either a physician or a psychologist.

Please respond within the next two weeks indicating the steps you plan to take to address the issues described above regarding your Mental Health Services booklet. If I have not heard back from you during that time, I plan to follow up on this request by contacting the Deputy Administrator and Director of the Center for Medicare. If you have any questions or seek further information, please feel free to contact me at 202-336-5886 or ewinkelman@apa.org.

Sincerely,



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