

#CounselorsAdvocate



# Medicare Law Passes

**ATTENTION: Older Americans with Medicare; You Can Access Counselors Beginning January 2024**

## FAQs on the Passage of the Mental Health Access Improvement Act

On December 23, 2022, Congress passed the Mental Health Access Improvement Act (S.828/H.R.432) and was signed into law by President Biden. This bill allows LPCs and MFTs to enroll as providers in the Centers for Medicare and Medicaid Services as Medicare providers. Now that the bill has passed, we have moved to program implementation. This resource is designed to guide professional counselors and help them prepare for program enrollment. As we move closer to 2024, ACA will provide several resources to help you make informed decisions for yourself and your clients.

### **Q. Why is the passage of the Mental Health Access Improvement Act important to counselors and clients?**

*USAFACTS.org estimates 122 million Americans live in a mental health access shortage area. In many of these areas, you will find LPCs that are available to help but were not eligible to work with clients who are part of the Medicare population. The passage of the Mental Health Access Improvement Act means that counselors can provide services to those receiving Medicare, granting access to mental health services for millions of Americans.*

### **Q. Who does this impact?**

*The passage of this legislation impacts License Professional Counselors, Marriage and Family Therapists, and the clients that they serve.*

### **Q. What services are covered under the new legislation?**

*As of January 1, 2024, LPCs and MFTs will be able to bill Medicare Part B and be reimbursed for approved services in accordance with Medicare reimbursement rates. ACA will provide additional information on services covered as we are advised to do so by CMS.*

### **Q. When will counselors be able to sign up as Medicare providers?**

*Counselors should be able to sign up to the Medicare providers program by January 1, 2024. ACA will continue working with the Center for Medicaid and Medicare services (CMS) to refine guidance surrounding the legislation.*

---

## **Q. Where will counselors need to go to sign up as Medicare providers?**

*This is still being determined. ACA will provide you with a link in which to sign up for the Medicare provider program once it becomes available. We expect that the process to sign up for Medicare provider program will be similar to the current process. If you are currently a Medicaid provider, you have to:*

1. Obtain a National Provider Identifier (NPI)
2. Complete the Medicare Enrollment Application
3. Select a Specialty Designation.

*Although it hasn't been updated for LPCs and MFTs at this time, you may go to [Become a Medicare Provider or Supplier | CMS](#) which provides you with tentative information on how to become a Medicare provider. ACA will continue to monitor the progress of CMS and will provide member updates prior to the enrollment date of January 1, 2024.*

## **Q. How did the bill pass?**

- *ACA members successfully advocated to amend the [Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act](#) (SUPPORT ACT) to allow LPCs to provide services to Medicare clients in Federal Substance Use Disorder Centers.*
- *ACA sponsored a briefing to Congress along with members of the Medicare Mental Health Workforce Coalition to further educate Congress on the Medicare bill. This briefing resulted in an increase in congressional meetings from staffers inquiring to learn more about the bill, in turn we were able to bring in additional co-sponsors.*
- *ACA made numerous recommendations to CMS in support of the profession. These recommendations contributed to the CMS decision to [propose allowable "general supervision"](#) under the physician fee schedule. The rule is now final and went into effect in January 2023. This rule will improve Medicare eligible client wait time and increase access to care in certain settings. This was the only action CMS is allowed to take without bill passage.*
- *CMS assists the U.S. Department of Health and Human Services in drafting the WH Administration's Budget, which includes LPCs as Medicare providers. \*This action lowered the CBO score from 1.2 Billion over ten years to 902 Million over ten years\**

*Ultimately, Congress voted to pass the 1.7 trillion-dollar fiscal year (FY) 2023 omnibus package, H.R.2617, entitled the Consolidated Appropriations Act, 2023. Among the provisions included in the omnibus was the Mental Health Access Improvement Act (S.828/H.R.432), which would create greater access to mental health services for millions of Americans.*

## **Q. Will ACA host training on how to sign up as a Medicare provider?**

*Yes, ACA will offer training on how to sign up for the Medicare provider program. ACA will send out updates on all scheduled training courses, and they will be recorded for those unable to attend.*

## **Q. How do I know if I am eligible to sign up?**

*There are an estimated 200,000 Mental Health professionals that are now eligible to become Medicare Providers and will be able to serve Medicare eligible clients aged 65 and above, and those with disabilities that are currently enrolled in the Medicare program. As a Licensed Professional Counselor or a Marriage and Family Therapist, you are eligible to sign up as a Medicare provider under this legislation.*

## **Q. Why will it take a year for CMS to allow LPCs and MFTs to enroll in the program?**

*This process may take 12 months for the Centers for Medicare and Medicaid Services to update regulatory language and internal systems that will accept LPCs as Medicare providers*

## **Q. My state does not use the term Licensed Professional Counselor or Mental Health Counselor, would I be eligible to enroll as a Medicare Provider?**

*Yes, you are eligible as long as you meet the general requirements for the Medicare system. Unlike other mental health professionals, Counselors have different titles in each state, your title in your state does not negatively affect your eligibility to enroll as a provider.*

## **Q. Can I serve Medicare clients prior to January 2024?**

*Yes, you can serve Medicare clients now if they are paying out of pocket. Currently, professional counselors are unable to receive reimbursement through Medicare until 2024, when the Mental Health Access Improvement Act takes effect.*