

## American Counseling Association

### Certified Opioid Treatment Programs Can Now Request Medicare Reimbursements for Employing Licensed Professional Counselors

*SUMMARY: The work of licensed professional counselors in opioid treatment programs certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) is eligible for Medicare reimbursement, as of Jan. 1, 2020. This reimbursement will be made only to the opioid treatment programs and not to individuals.*

Medicare is a Federal health insurance program which was enacted in 1965 in order to increase access to healthcare for Americans age 65 or older. In 1972, Medicare was expanded to also provide coverage for disabled Americans with certain disabilities. Medicare Part A covers inpatient mental health treatment and Medicare Part B covers outpatient mental health treatment. Historically, Part B has excluded Licensed Professional Counselors (LPCs) as acceptable mental health care providers. However, the American Counseling Association (ACA) has worked diligently to modernize and update Medicare for LPCs and expand client access to care.

#### **ACA's Success Is Your Success**

On October 24, 2018, the advocacy efforts of the American Counseling Association and ACA membership paid off in the successful passage of [H.R. 6 the Support for Patients and Communities Act](#), commonly referred to as "The Support Act." This legislation includes critical provisions to: increase and strengthen our workforce; standardize the delivery of addiction medicine; cover addiction medicine; and increases access to high-quality, evidence-based mental health care. The Support Act also expands the definition of allowable mental health care services under provision B to include LPCs operating within certified Opioid Treatment Programs (OTP) for the purpose of Opioid Use Disorder (OUD) treatment.

In 2019, ACA led the grassroots advocacy effort to educate the Centers for Medicare and Medicaid Services (CMS) on the role of LPCs and why retaining the language within the Support Act would benefit communities across the nation. Specifically, the language would enable any LPCs or Licensed Mental Health Counselors (LMHCs) working in an Opioid Treatment Program (OTP), with clients suffering from opioid use disorder, to provide counseling services without any disruption to the bundled payments received by the OTP, as of Jan. 1, 2020.

#### **Legal Guidelines for OTPs**

OTPs can provide treatment for people diagnosed with an OUD if they meet the following requirements: OTPs must be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA); and accredited by an independent, SAMHSA-approved accrediting body. For SAMHSA certification, OTPs must also comply with Drug Enforcement Administration regulations and applicable state laws. Some of the services covered under OTPs are individual and group therapy, toxicology testing and substance abuse therapy.

Section 2005 of the Support Act amends the Social Security Act, Section 1861(s)(2) to add Medicare coverage for items and services provided by OTPs for OUD treatment. Under this provision, Medicare-covered OTP services include **substance use disorder counseling** as authorized under state law, as well as, individual and group therapy. Section 6083 of the Support Act amends the Federally Qualified Health

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Center program, provided through the Health Resources and Services Administration (HRSA), which awards grants to support outpatient primary care facilities serving low-income communities.

The Support Act also grants authorization for Medicare to designate outpatient primary care facilities in rural and medically underserved areas as Rural Health Clinics (RHCs) for the purpose of increasing the use of non-physician mental health practitioners.

### **How to APPLY & ENROLL as an Opioid Treatment Program (OTP):**

- Current, valid, and full accreditation and certification by the Substance Abuse and Mental Health Services Administration (SAMHSA):
  - Apply here: <https://dpt2.samhsa.gov/sma162/>
  - [SAMHSA's Division of Pharmacologic Therapies \(DPT\)](#), part of the [SAMHSA Center for Substance Abuse Treatment \(CSAT\)](#), oversees the certification of OTPs. All OTPs also must be licensed by the state in which they operate and must register with the Drug Enforcement Administration (DEA), through a local DEA office.
  - A program may apply to SAMHSA for provisional certification while it is working towards accreditation with a SAMHSA-approved accrediting body. Provisional certification is temporary, lasting for only one year. An OTP must become accredited during this one-year timeframe.
    - OTPs applying for accreditation must comply with any applicable state laws and regulations. Contact your local opioid treatment authority using the [State Opioid Treatment Authorities Directory](#).
    - SAMHSA offers technical assistance to help programs meet accreditation standards. Support services include identifying potential deficiencies and providing the resources to help make the necessary adjustments. If your OTP needs technical assistance, or you would like to learn more about resources available to help you through the accreditation process, contact DPT at 240-276-2700 or [otp-extranet@opioid.samhsa.gov](mailto:otp-extranet@opioid.samhsa.gov).
  - You can find up-to-date information on federal requirements for certification here: <https://store.samhsa.gov/system/files/pep15-fedguideotp.pdf>.
  - The Medicare Administrative Contractor (MAC) assigned to your program will verify your certification on the SAMHSA OTP Directory.
- **Enroll with your State Medicare Administrative Contractor:** A Medicare Administrative Contractor (MAC) is a private health care insurer that has been awarded a geographic jurisdiction to process Medicare Part A and Part B (A/B) medical claims or Durable Medical Equipment (DME) claims for Medicare Fee-For-Service (FFS) beneficiaries. CMS relies on a network of MACs to serve as the primary operational contact between the Medicare FFS program and the health care providers enrolled in the program. MACs are multi-state, regional

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contractors responsible for administering both Medicare Part A and Medicare Part B claims. MACs perform many activities including:

- Processing Medicare FFS claims
- Enroll providers in the Medicare FFS program
- Respond to provider inquiries
- Educate providers about Medicare FFS billing requirements

- **Make and Account for Medicare Payments**

- As an OTP (Part B) provider, MACs are charged with answering your Medicare billing and claims questions and processing payment for claims.
- To enroll with a MAC prior to application for Medicare funding, complete a separate application for each state your program offers services in through the CMS-855B Enrollment Application. Include any billing agent information in section 8 of the form.
- Find the form here: <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/cms855b.pdf>
- You will need to send your letter of certification from SAMHSA with your Medicare provider enrollment application.
- *Federal certification guidelines: Federal Code Title 42 of Public Health Code – Chapter 1 – Subchapter A – Part 8.11(b) - Medication Assisted Treatment for Opioid Use Disorders<sup>1</sup>:*

The application for certification shall include:

- (1) A description of the current accreditation status of the OTP;
- (2) A description of the organizational structure of the OTP;
- (3) The names of the persons responsible for the OTP;
- (4) The addresses of the OTP and of each medication unit or other facility under the control of the OTP;
- (5) The sources of funding for the OTP and the name and address of each governmental entity that provides such funding; and
- (6) A statement that the OTP will comply with the conditions of certification set forth in paragraph (f) of this section.
- (7) The application shall be signed by the program sponsor who shall certify that the information submitted in the application is truthful and accurate.

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<sup>1</sup> [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=3&SID=7282616ac574225f795d5849935efc45&ty=HTML&h=L&n=pt42.1.8&r=PART#se42.1.8\\_13](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=3&SID=7282616ac574225f795d5849935efc45&ty=HTML&h=L&n=pt42.1.8&r=PART#se42.1.8_13)

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- **A National Provider Identifier (NPI): An NPI is a unique 10-digit identification number issued to health care providers in the United States by the Centers for Medicare and Medicaid Services (CMS).**
  - OTPs must have a National Provider Identifier (NPI) to apply. OTPs can use their current NPI if they have one through Medicaid and other health plans.
  - Apply for an NPI here:
    - Digital - <https://nppes.cms.hhs.gov/#/>
    - Paper file - <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/CMS10114.pdf>
  
- **SUBMIT PROVIDER ENROLLMENT APPLICATION TO APPLY & ENROLL as an Opioid Treatment Program (OTP):**
  - Electronic applications are processed faster and provide a more accurate individualized process.
    - Find electronic applications here: <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/Downloads/cms855b.pdf>
      - You will need an NPI (National Provider Identifier);
      - Your OTP Legal Business Name;
      - Tax Identification number (EIN) (Employer Identification Number)
      - State/Territory of the primary practice location for the OTP;
      - Your MAC contractor information.
      - Your SAMHSA certification information: certification number, effective date, and expiration date.
      - Follow up with documentation verifying certification – copies of SAMHSA OTP Letter of Full Certification and signed and dated SAMHSA renewal letter.
      - Pay the enrollment fee (requires revalidation every 5 years). The enrollment fee is embedded within the electronic application. The new OTP application fee for CY 2020 is \$595.<sup>2</sup>

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<sup>2</sup> <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/MedicareProviderSupEnroll/MedicareApplicationFee>