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Big Issues You Should Know About

- VA hiring of LPCs
- TRICARE review
- Federal budget decisions coming up at the end of the year
- Medicare
- State decisions on Medicaid expansion under the Affordable Care Act
- “Religious freedom of expression” legislation
VA Hiring of LPMHCs - A timeline

- September 2010 – LPMHC standard released
- April 2012 – VA Office of Inspector General report: For half of first-time patients, MH evals took about 50 days
- April 24, 2012 – VA Press release: “VA adding family therapists and mental health counselors to workforce”

VA Hiring LPMHCs - we’ll believe it when we see it

- April 19, 2012 – VA press release: VA will add 1,600 MH clinicians – “to include nurses, psychiatrists, psychologists, and social workers as well as nearly 300 support staff”
- April 19, 2012 – VA letter responding to our request for LPC/MFT training positions:
  "It has been determined that at this time there is not a need to set up a training program for this discipline [sic], however, should the need arise in the future... [we] will work closely with the Mental Health Services to implement such a program."
- # of LPMHCs hired since 4/23 = 48
  # of Social Workers hired = 531

VA & counselors - going forward

- VA is piloting a prototype mental health staffing model for general mental health outpatient care in VISNs 1, 4, and 22
- ACA and coalition partners trying to get more information about MH staffing model and hiring patterns at VA facilities, Possible letter from member(s) of Congress to the VA
- Counselors can help! If a VA mental health clinician position is posted on USAJOBS as not open to counselors...
  - Contact the HR person to ask that it be opened to counselors
  - Contact your Senators and Representative to ask that they contact the VA facility to ask why counselors aren’t being made eligible for the position; Congress passed legislation recognizing counselors in 2006!
Rep. Michaud letter to the VA
- Michaud ("ME-show"), from Maine, is ranking minority member of the Health Subcmte of the House VA Committee, past recipient of the ACA Federal Legislative Service Award
- Letter was ACA’s idea, and we drafted letter with Michaud’s staff
- Michaud letter to VA Secty Shinseki, sent June 26, expresses concern over VA’s “failing to take advantage of licensed professional mental health counselors” and MFTs
  - asks VA what actions it has taken to accelerate the hiring of LPMHCS/MFTs, what it’s doing to address misunderstandings and misinformation at the facility level
  - asks VA why LPMHC/MFT interns are ineligible for the same financial stipends given to psychologists and LCSWs

TRI CARE independent practice requirements: now through 2014
Licensed counselors must:
- have a master’s or higher-level degree "from a mental health counseling program of education and training and either
  - Pass the NCE (for CACREP-accredited degrees) OR
  - Pass the NCMHCE (for regionally-accredited degrees)
- have 2 years/3,000 hours of supervised clinical practice, “provided by a mental health counselor who is licensed for independent practice in mental health counseling in the jurisdiction where practicing and must be conducted in a manner that is consistent with the guidelines for supervision of the American Mental Health Counselors Association”

TRI CARE independent practice requirements: beginning 2015
Licensed counselors must:
- pass the NCMHCE
- have a master’s degree from a mental health counseling program of education and training accredited by CACREP
- have 2 years/3,000 hours of supervised clinical practice, under same requirements as on previous slide
- Independent practice only; practice under physician referral and supervision will no longer be allowed.

Certification of counselors for independent practice is expected to start by the end of the year. No word on timing/likelihood of changes in interim final rule.
Comparing the federal standards

<table>
<thead>
<tr>
<th>Agency</th>
<th>Master’s degree…</th>
<th>Exam</th>
<th>Supervision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept of Veterans Affairs</td>
<td>…in mental health counseling or related field from CACREP program; Ph.D. not recognized</td>
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</tr>
<tr>
<td>TRICARE (after 2014)</td>
<td>…from a mental health counseling program of education and training accredited by CACREP</td>
<td>NCMHCE</td>
<td>2 years/3,000 hrs, 100 hrs face-to-face, meets AMHCA guidelines</td>
</tr>
<tr>
<td>Army SAP</td>
<td>…in counseling from a program accredited by CACREP</td>
<td>NCMHCE</td>
<td>--</td>
</tr>
<tr>
<td>Medicare bill (S. 604)</td>
<td>In mental health counseling or a related field</td>
<td>--</td>
<td>2 years post-master’s</td>
</tr>
</tbody>
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What’s scheduled to happen January 1st?

- Sequestration:
  - ~$0.5 trillion in cuts to defense (over 10 years), including 11.5% cut in FY 2013 – lower than FY 2005 levels
  - ~$0.5 trillion in cuts to non-defense discretionary spending (10y), 9.8% cut in FY 2013 – below FY 2003 levels
  - $0.2 trillion (10y) mandatory spending cuts (including ~$0.1 trillion in Medicare cuts)

- Expiration of Bush tax cuts: Permanent extension of cuts would increase deficit by ~$3 trillion over 10 years

- Medicare physician payment rate reductions of 27% (one-year freeze = $0.021 trillion over 10 years; repeal of SGR and long-term freeze = $0.29 trillion)
Budget Sequestration - What is it?

- Sequestration = Automatic spending cuts to discretionary spending (Social Security and Medicaid exempt, Medicare cuts limited to 2%)
- Triggered Jan. 1, 2013 unless Congress and the President agree on alternative
- Set in motion by the August 2011 “Budget Control Act”
Where does federal spending go?

Most of Budget Goes Toward Defense, Social Security, and Major Health Programs

Our ability to win the fight for Medicare coverage of LPCs, and funding for the Elem. & Secondary School Counseling Program, depends a lot on the outcome of the larger budget war.

On Medicare, we’re still pushing for cosponsors on S. 604, to get a spot in the convoy this December.
What the debate on Medicare coverage of counselors is about these days

It’s not about policy: The legislation has been passed twice in both the Senate and House over the past 9 years.

Medicare coverage of counselors can save money!

- Treatment costs for Medicare beneficiaries with depression and comorbid diabetes or congestive heart failure are about twice as high as for those with only diabetes/CHF.
- Across 8 common medical conditions, elderly Medicare beneficiaries with a comorbid depressive syndrome were twice as likely to use emergency services and have a preventable hospitalization compared with those without depression.
- 32% of Medicare spending ($0.32 X $755b = $238.8b) is on people with diabetes, and depression/dysthymia occur in ~12% of patients with diabetes. (~12% X 150% X $184b = $33b).
- Even a 5% reduction in spending just on Medicare beneficiaries with diabetes and depression would save $1.65 billion, which is ten times the 5-year cost of covering LPCs and MFTs ($0.1b).

ACA supports the ACA (Affordable Care Act) because of...

- Provider nondiscrimination provision
- All health insurance plans must cover mental health and substance abuse services, at parity with general health care.
- 32 million more people with health insurance.
- Insurance reforms: no lifetime/annual dollar limits; no coverage rescissions; no preexisting condition exclusions; guaranteed acceptance and renewal; appeals processes required.
- Emphasis on preventive services—including depression screenings.
- Reduces the federal deficit by $210 billion over 10 years.

ACA’s legislative agenda has included support of “universal health insurance coverage” for 10 years.
What is the choice facing states on the ACA Medicaid expansion?

If the state...

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Option 2</th>
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<tbody>
<tr>
<td>Opt in: 100% of the poverty level</td>
<td>60% of the poverty level</td>
</tr>
<tr>
<td>Those earning up to 133% of the poverty level will receive Medicaid.</td>
<td>Those earning up to 133% of the poverty level who currently are not receiving Medicaid benefits will not be eligible.</td>
</tr>
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</table>

How does this look in individual states?

If Arizona rejects expansion

- Medicaid benefits are currently afforded to families earning up to 133% of the poverty level, and they will continue to receive Medicaid.
- Those with incomes between 133% and 138% of the poverty level will not be eligible for either Medicaid or subsidies to buy a private plan.

Arizona’s “free exercise of religion” laws

- **2011 – HB 2565**: Prohibits schools from disciplining a student in a counseling, SW, or psychology program because the student refuses to counsel a client about goals that conflict with the student’s sincerely held religious belief.
- **2012 – SB 1365**: Prohibits denial, suspension, or revocation of a person’s license or certification for:
  - Declining to provide any service that violates the person’s sincerely held religious beliefs.
  - Expressing sincerely held religious beliefs in any context, as long as services provided otherwise meet the current standard of care or practice for the profession.
  - Providing faith-based services that otherwise meet the current standard of care or practice for the profession.
  - Making business-related decisions in accordance with sincerely held religious beliefs, including employment decisions, client selection decisions, and financial decisions.
Is this coming to a State near you?

- No clear picture yet on how Arizona’s laws will be implemented, and the effect on counselor graduate program CACREP accreditation or counselor licensure. (Arizona’s counselor licensure law requires adherence to the ACA Code of Ethics.)
- Similar legislation has been introduced or discussed in other states
- ACA is firmly opposed to legislation like this, and we will gladly help fight this if it comes up in your state

How leaders can keep up with current national issues

- Read Counseling Today
- Read CT online
- Read ACA e-News
- Subscribe to the ACA blogs
  [http://my.counseling.org](http://my.counseling.org)
- Subscribe to the ACA Government Relations Listserv
  [www.counseling.org/PublicPolicy](http://www.counseling.org/PublicPolicy)

How leaders can keep up with current national issues

- Visit the ACA Facebook page
- Follow ACA on Twitter
  [https://twitter.com/#!/CounselingViews](https://twitter.com/#!/CounselingViews)
- Subscribe to counseling listservs
  (cesnet, counsgrads, icn, etc.)
- Use Google alerts
- Ask Scott or David
Any questions?

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David: dkaplan@counseling.org
      800-347-6647 ext. 397

Powerpoint posted at:
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