



ADVOCACY UPDATE

AMHCA Supports Several Legislative Bills That Would Benefit LCMHCs

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Following are just three of the legislative bills that AMHCA supports, in collaboration with the Mental Health Liaison Group (MHLG), a coalition of other national behavioral health organizations.

- **Virtual Peer Support Act of 2021** (S. 157 and H.R. 2929): This legislation aims to create a grant program to expand online behavioral health services and increase peer support programs. See bit.ly/3CN156d. (See the MHLG letter of support here: bit.ly/3qBrZsU.)
- **Kids Online Safety Act (KOSA)** (S. 3663): This legislation is intended to increase accountability and transparency of social media companies and to protect young social-media consumers. See bit.ly/3wd7Gpj. (See the MHLG letter of support here: **[ADD the link.]**)
- **Anna Westin Legacy Act** (S. 3686): bit.ly/3qbNUXn. See the MHLG letter of support here: [/bit.ly/3uwPIM2](https://bit.ly/3uwPIM2). The original “Anna Westin Act” passed in December 2016, marking the first time in history that Congress passed legislation specifically written to help people affected by eating disorders,” according to a press release from Sen. Klobuchar’s office. “The original act increased training and education on eating disorders and set rules for insurance companies that meant residential eating disorder treatment would be cov-

ered under most health insurance plans. It was enacted as part of the 21st Century CURES Act.”

AMHCA joined these advocacy efforts to address the mental health concerns of our youth in the Statement for the Record to the Senate Finance Committee for the Hearing on Protecting Youth Mental Health **[Add a link to the MHLG statement.]**

Lastly, AMHCA is advocating to extend the tele-mental health services provision that doesn’t require mental health professionals who want to offer tele-mental health services to clients to have seen those clients in person within the prior six months. **[edit ok?]** This requirement is in accordance with the Telemental Health Care Access Act (H.R. 4058/S. 2061). (For more information on S. 2061, visit: bit.ly/3qaCsLG; for information on H.R. 4058, visit: bit.ly/3KTSYI5.)

ADVOCACY UPDATE

The “No Surprises Act”: What Counselors Need to Know

BY AARON NORTON, PHD, LMHC, LMFT, AMHCA’S SOUTHERN REGION DIRECTOR; CONSULTING EDITOR, THE ADVOCATE MAGAZINE; AND EXECUTIVE DIRECTOR OF THE NATIONAL BOARD OF FORENSIC EVALUATORS



Ever gotten a “surprise bill” after a surgery or other medical procedure and felt frustrated that no one bothered to tell you about the fee before the procedure? You’re not alone.

According to Dec. 2021 article published by Kaiser Family Foundation, bit.ly/3JeZKqI, in 20 percent of emergency department visits, consumers receive surprise medical bills due to receiving care from providers who are out-of-network.

Additionally, 9–16 percent of in-network, non-emergency hospitalizations result in surprise medical bills from out-of-network providers.

To prevent such surprise bills, Congress passed the No Surprises Act (NSA) in December 2020, though essentials rules related to the legislation were not published until Sept. 30, 2021, (three months before the law took effect on Jan. 1, 2022), sparking a frenzy among healthcare professionals across the country.

Unfortunately, clinical mental health counselors (CMHCs), though not part of the problem the bill seeks to remedy, have been caught in the dragnet. CMHCs who mostly provide private-pay services, often to avoid the obstacles associated with managed care, are particularly impacted the new law. Among other requirements, NSA obligates CMHCs to:

- Specifically ask clients whether they have insurance and, if so, whether they intend to use it (even if the CMHC doesn’t accept insurance),
- Inform all uninsured or self-pay clients of the availability of a good faith estimate of expected charges,
- Display a notice about good-faith estimate rights in their office and on their websites, and
- Provide a written good faith-estimate to clients:
 - Within one business day if the client’s appointment is three-to-nine business days away,
 - Within three business days if the client’s appointment is 10 or more business days away, and
 - Within three business days if an uninsured person (who would be a self-pay client) requests a good-faith estimate.

CMHCs may have to refund clients if they end up charging \$400 or more than

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originally quoted in a good-faith estimate, and CMHCs can also be penalized for not complying with the appropriate provision of good-faith estimates and related notices.

AMHCA and other associations (e.g., American Counseling Association [ACA], American Psychological Association [APA], TrustPARMA) have provided several resources that CMHCs can use to ensure compliance with the new law, such as:

- A video on “The Counselor’s Guide to Complying with the No Surprises Act” at www.youtube.com/watch?v=Y3FHjn5HNQI (download handouts at integritycounseling.app.box.com/v/No-Surprises-Act),
- AMHCA’s Jan. 27, 2022, webinar on the NSA, which features Aaron Norton, PhD, LMHC, LMFT, and Becky Beaton-York, PhD, LPC, NCC, CPCS. (Click the link on the YouTube video of the hour-long discussion at www.amhca.org/advocacy/takeaction.)
- ACA FAQ for Private Practitioners: bit.ly/3uRAbGS,
- APA article: “New Billing Disclosure Requirements Take Effect in 2022,” at bit.ly/3Kd21nz
- TrustPARMA article: “Guidance on the No Surprises Act (NSA),” bit.ly/38zspdr

ADVOCACY UPDATE

AMHCA participated in a Virtual Advocacy Day in February to bolster Congressional support for inclusion of Licensed Clinical Mental Health Counselors (LCMHC) in the the Mental Health Access Improvement Act (S. 828) in the Reconciliation Legislation.



See page 8 for some of the Tweets and Facebook posts.



AMHCA Issues a Statement on the Invasion of Ukraine



AMHCA issued a statement condemning Russia’s invasion of Ukraine on March 4, 2022.

Signed by Dr. Beverly Smith, AMHCA’s president and interim CEO, the statement began by noting that “As proponents of civil rights and social justice for humankind, AMHCA denounces the violence erupting from the invasion in Ukraine.”

“The mental health of the Ukrainians undoubtedly has been affected despite their resiliency,” the statement says.

“While the Ukrainian people have shown immense strength and resilience during this time, these events will have a long-lasting impact on their physical, spiritual, and mental health. AMHCA joins many other organizations in calling for an end to the violent and senseless attacks.”

The statement was accompanied by links to resources related to the war in Ukraine as well as several humanitarian organizations:

- White House fact sheet on the response to the invasion by the U.S. and its allies: bit.ly/3qFA3ca
- A U.S. Department of Justice report on a violation of Crimea-related sanctions: bit.ly/3JNMcu7
- An article in *The Guardian* on the war in Ukraine: bit.ly/3LlsUpn
- A *TIME* magazine article about Ukrainian refugees and racism: bit.ly/3DkS6d0
- International Rescue Committee: www.rescue.org/
- International Committee of the Red Cross: bit.ly/3j75kk3
- Voices of Children: voices.org.ua/en
- UNICEF: uni.cf/3r78Wal

- USA for UNHCR: www.unrefugees.org

- Save the Children: www.savethechildren.org/

Read the full AMHCA statement online at bit.ly/3uwBjzu.

The White House Announces New Mental Health Strategy

Describing the nation’s growing mental health woes as a “crisis,” President Joe Biden described his vision to “transform how mental health is understood, perceived, accessed, treated, and integrated—in and out of health care settings.”

He noted that the “center of our national mental health crisis is a severe shortage of behavioral health providers. More than one-third of Americans live in designated Mental Health Professional Shortage Areas, communities that have fewer mental health providers than the minimum their level of population would need.” To connect more Americans to more mental health care, the administration plans to:

- Expand and strengthen parity.
- Integrate mental health and substance use treatment into primary care settings.
- Improve veterans’ access to same-day mental health care.
- Expand access to tele- and virtual mental health care options.
- Expand access to mental health support in schools and colleges and universities.
- Embed and co-locate mental health and substance use providers into community-based settings.
- Increase behavioral health navigation resources.

For more information, see: the White House fact sheet—bit.ly/3uafEhw; and the White House roundtable on mental health with young women and girl leaders—bit.ly/37n3fhv.

AMHCA's Participation in a Virtual Advocacy Day Helps Generate Support for Medicare and Mental Health Bills

The Medicare Mental Health Workforce Coalition organized a social media campaign to bolster Congressional support for inclusion of the Mental Health Access Improvement Act (S. 828) in the Reconciliation Legislation.

AMHCA urged members to participate in a Virtual Advocacy Day on Feb. 16 by contacting their Senators via social media posts, phone, and email to ask them to support the legislation, which would provide Medicare coverage for mental health counselor services and marriage and family therapist services.

For more information, visit AMHCA's Medicare advocacy page at www.amhca.org/advocacy/medicare.

Read just a sample of the Twitter and Facebook posts below. See all the Twitter posts at bit.ly/36u7HuO and the Facebook posts at bit.ly/36rY93r.



TWITTER POSTS

 **PA Counseling**
@PA_Counseling March 27

Equitable access to Medicare services is a challenge for many vulnerable individuals across Pennsylvania. The extremity of the workforce shortage of MH and addiction professionals are hitting them the hardest. Encourage your representatives to support S828

[MedicareMentalHealth](#)

 **Marymount University Counseling Programs**
@mmcounselingprg Feb 17

Unfortunately, there's a shortage of mental health and substance abuse providers in the Medicare system to help these older adults who are at risk. See a sample call sheet for when you contact your Senator <https://amhca.org/advocacy/medicare...>

[#MedicareMentalHealth](#) [#SeniorsMentalHealth](#)

 **Robbin Miller** @RobbinMiller2 Feb 17
@RepMcGovern

I'm a constituent from Shrewsbury, MA and studies show that millions of Medicare beneficiaries are suffering from mental health disorders due to the pandemic. We need more mental health counselors to help treat Seniors.

[#MedicareMentalHealth!](#)

 **Reggie Taylor** @Reggie_Taylor Feb 1
@SenRickScott and @SenRubioPress

I'm a constituent from Jacksonville. There's a drastic shortage of mental health and addiction providers that can accept Medicare. Please co-sponsor S. 828/H.R. 432.

[#SeniorMentalHealth](#)
[#MedicareMentalHealth](#)

FACEBOOK POSTS

 **Xóchi Kountz**
February 16

Over 200,000 marriage and family therapists and licensed mental health counselors across the country are specifically trained to address mental health and substance abuse, including opioid addiction – but are not approved Medicare provider thereby limiting access to need services.

The Mental Health Access Improvement Act (S. 828/H.R.432) would expand the availability of cost-effective providers under Medicare to help treat these seniors and address mental health crisis and t...

 **Lisa Karen**
February 20

Medicare and elderly and therapy. Pull quote: "STOP TRYING TO SAVE MONEY BY DENYING ELDERLY WIDOWS ACCESS TO THE GRIEF COUNSELING THEY'RE ENTITLED TO BY LAW OH MY GOD."

And that is why I am posting this in my support of bipartisan Senate bill 828, the Mental Health Access Improvement Act, which will recognize LMHCs and LMFTs for Medicare." ...