

NATIONAL ASSOCIATION OF SOCIAL WORKERS

Issue: Enable Medicare Beneficiaries' Access to Health and Behavior Assessment and Intervention Services from Clinical Social Workers

BACKGROUND

Medicare reimburses clinical social workers (CSWs) for the diagnosis and treatment of mental illness, in accordance with the definition of "clinical social worker services" in the Social Security Act.¹ This definition does not reflect the broad array of services CSWs provide and, furthermore, is interpreted differently in various locations. This discrepancy limits Medicare beneficiaries' access to services that enhance their health and well-being.

APPLY CONSISTENT USE OF HBAI CODES

The Health and Behavior Assessment and Intervention (HBAI) Current Procedural Terminology (CPT) codes reflect behavioral services to help individuals with emotional and psychosocial concerns that result from medical problems (such as a cancer diagnosis) and are unrelated to a mental health condition. From 1999 through 2001, NASW participated in the development of these codes, through its involvement with the American Medical Association's CPT Editorial Panel. In 2002, the codes were implemented and included in the Medicare Physician Fee Schedule. Several months after implementation, the Centers for Medicare & Medicaid Services (CMS) announced that it would not reimburse CSWs for the HBAI codes, asserting that the codes were not within the Medicare statute's definition of "clinical social worker services." At the same time, CMS concurred with NASW that the services reflected in the HBAI codes were within the scope of CSWs' day-to-day practice.

EXPAND DEFINITION OF "CLINICAL SOCIAL WORKER SERVICES" WITHIN SECTION 1861(HH)(2) OF THE SOCIAL SECURITY ACT

Recognizing that HBAI codes are well within the scope of CSWs' practice, CMS recommended in 2003 that NASW seek a legislative change of the definition of "clinical social worker services." Such a change would enable CSWs to bill consistently under the approved HBAI codes and receive reimbursement for HBAI services. Until this statute is modified, CMS indicated that payment to CSWs would be left to the discretion of each local MAC.

The current Medicare statute reads:

1861 (hh)(2) of the Social Security Act: *The term clinical social worker services means services performed by a clinical social worker for the diagnosis and treatment of mental illness... which the clinical social worker is legally authorized to perform under state law in which such services are performed as would otherwise be covered if furnished by a physician or an incident to a physician's professional service.*

POTENTIAL POLICY SOLUTIONS

The *Improving Access to Mental Health Act of 2015* (S. 2173/H.R. 3712), introduced by Senators Stabenow and Mikulski and Representative Lee, expands the definition of "clinical social worker services" to include HBAI services. Moreover, NASW will continue to work with the Executive Branch to address the HBAI coding issue.

CSWs are accessible, competent providers who already provide valuable mental health services to Medicare beneficiaries. An expanded definition of clinical social worker services within the Social Security Act and a national coverage policy decision allowing CSWs to bill for HBAI codes will increase Medicare beneficiaries' access to services that improve their health and well-being.

¹ Scope of Medicare Benefits and Application of the Outpatient Mental Health Treatment Limitation to Clinical Psychologist and Clinical Social Worker Services Rule, 42 C.F.R. § 410.73 (1998).

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