

September 22, 2020

The Honorable Frank Pallone  
Chairman  
House Energy and Commerce Committee  
Washington, DC 20515

The Honorable Greg Walden  
Ranking Member  
House Energy and Commerce Committee  
Washington, DC 20515

The Honorable Richie Neal  
Chairman  
House Ways and Means Committee  
Washington, DC 20515

The Honorable Kevin Brady  
Ranking Member  
House Ways and Means Committee  
Washington, DC 20515

The Honorable Chuck Grassley  
Chairman  
Senate Finance committee  
Washington, DC 20510

The Honorable Ron Wyden  
Ranking Member  
Senate Finance Committee  
Washington, DC 20510

Dear Committee Leaders:

The undersigned medical professional organizations write to you with an urgent request that impacts the quality of care that our nation's patients receive. H.R. 884 / S. 2772, the "[Medicare Mental Health Access Act](#)," would change the definition of "physician" under the Medicare program to include clinical psychologists. This proposal jeopardizes the safety of patients in the Medicare program and would create silos in the delivery of appropriate mental and physical health care. Moreover, this legislation runs counter to efforts to coordinate and integrate the delivery of care to patients with mental illnesses and co-occurring health conditions. As such, the undersigned organizations strongly urge you to oppose H.R. 884 / S. 2772.

As indicated by the Centers for Medicare and Medicaid Services (CMS) in its *Medicare Policy Benefit Manual*, Medicare defines "physicians" as providers who medically diagnose patients, prescribe and manage medication, and supervise other medical staff. In addition, the Policy Benefit Manual ([160.E](#)) specifically states that clinical psychologists must consult with a patient's attending or primary care physician during the course of providing psychological care. However, H.R. 884 / S. 2772 would change these policies and allow clinical psychologists to be regarded as physicians and treat patients without supervision throughout in-patient settings, including partial hospitalization settings.

Expanding the term "[physician](#)" to include clinical psychologists under the Medicare Program, thereby removing the team-based care approach and improperly expanding psychologists' scope of practice, would have far reaching and negative impacts on patients seeking psychiatric care. Physicians complete four years of medical school plus three to seven years of residency, including 10,000-16,000 hours of clinical training. Our colleague psychologists are an essential part of a physician led patient care team, however, they lack the requisite medical education, medication management training, and clinical training that is critical in determining differential diagnosis and do not fit the definition of a physician.

Medicare patients in partial hospital programs or in-patient settings with acute and serious mental illness often have multiple complex medical problems typically requiring several different medications to treat

underlying illnesses. Moreover, these patients often have chronic comorbidities ranging from severe depression to diabetes, hypertension, and cardiovascular disease. Psychologists are not trained to treat acute mental illness requiring medication management or co-occurring physical illnesses. Given the complexity of this patient population, it is essential that we retain collaborative guardrails that require psychologists to consult physicians who have the education and training to effectively manage the entire treatment plan, including both physical and mental health services. However, the passage of H.R. 884/ S. 2772 would put patient safety at risk by allowing psychologists to offer services which they are not trained to perform.

Furthermore, H.R. 884 / S. 2772 would not expand access to mental health and substance use disorder services under the Medicare program. In-patient care, including partial hospitalization, requires physician supervision for a reason. Treatment in these settings is for acute mental illness and the overall treatment of physical conditions that requires advanced medical training. Therefore, if psychologists were allowed to manage these patients, they would not receive the full array of medically necessary services they require from an in-patient setting and thus, access to the care that these patients truly need would be curtailed, not expanded. Likewise, this legislation is unnecessary as the Medicare program already recognizes and allows psychologists to provide and bill for the services they are trained to perform and thus, will not actually increase the net number of mental health care providers in the community or the number of services that can be competently performed for patients.

Enacting this legislation would decrease the overall access and quality of care received by Medicare patients by inappropriately allowing psychologists to provide services well beyond their education and training. We urge the Committees to oppose H.R. 884 / S. 2772.

Sincerely,

American Medical Association  
American Psychiatric Association  
AMDA - The Society for Post-Acute and Long-Term Medicine  
American Academy of Dermatology Association  
American Academy of Emergency Medicine  
American Academy of Facial Plastic and Reconstructive Surgery  
American Academy of Family Physicians  
American Academy of Ophthalmology  
American Academy of Otolaryngic Allergy  
American Academy of Otolaryngology- Head and Neck Surgery  
American Academy of Physical Medicine and Rehabilitation  
American Association of Child & Adolescent Psychiatry  
American Association of Clinical Urologists, Inc.  
American Association of Hip and Knee Surgeons  
American Association of Neurological Surgeons  
American Association of Orthopaedic Surgeons  
American College of Allergy, Asthma and Immunology  
American College of Emergency Physicians  
American College of Medical Genetics and Genomics  
American College of Osteopathic Internists  
American College of physicians  
American Medical Women's Association  
American Orthopaedic Foot & Ankle Society  
American Osteopathic Association  
American Society for Clinical Pathology  
American Society for Dermatologic Surgery Association

American Society of Addiction Medicine  
American Society of Anesthesiologists  
American Society of Cataract and Refractive Surgery  
American Society of Plastic Surgeons  
Association of Academic Physiatrists  
College of American Pathologists  
Congress of Neurological Surgeons  
National Association of Medical Examiners  
North American Neuro-Ophthalmology Society  
Society of American Gastrointestinal Endoscopic Surgeons  
Society of Interventional Radiologists  
Spine Intervention Society

Medical Association of the State of Alabama  
Alaska State Medical Association  
Arizona Medical Association  
Arkansas Medical Society  
California Medical Association  
Colorado Medical Society  
Connecticut State Medical Society  
Medical Society of Delaware  
Medical Society of the District of Columbia  
Florida Medical Association Inc  
Medical Association of Georgia  
Hawaii Medical Association  
Idaho Medical Association  
Illinois State Medical Society  
Indiana State Medical Association  
Iowa Medical Society  
Kansas Medical Society  
Kentucky Medical Association  
Louisiana State Medical Society  
Maine Medical Association  
MedChi, The Maryland State Medical Society  
Massachusetts Medical Society  
Michigan State Medical Society  
Minnesota Medical Association  
Mississippi State Medical Association  
Missouri State Medical Association  
Montana Medical Association  
Nebraska Medical Association  
Nevada State Medical Association  
New Hampshire Medical Society  
Medical Society of New Jersey  
New Mexico Medical Society  
Medical Society of the State of New York  
North Dakota Medical Association  
Ohio State Medical Association  
Oklahoma State Medical Association  
Oregon Medical Association  
Pennsylvania Medical Society

Rhode Island Medical Society  
South Carolina Medical Association  
South Dakota State Medical Association  
Tennessee Medical Association  
Texas Medical Association  
Utah Medical Association  
Vermont Medical Society  
Medical Society of Virginia  
Washington State Medical Association  
West Virginia State Medical Association  
Wisconsin Medical Society  
Wyoming Medical Society