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August 5, 2021

Susan Steinberg
Program Director
Behavioral Health Administration

Re: PBHS Coverage of Services for Medicare-Insured Patients

Dear Ms. Steinberg:

We are writing to request your assistance implementing a long-standing BHA policy by Optum. Urgency is required because the pandemic has caused a severe workforce shortage among behavioral health providers, and implementation of this policy will provide immediate relief and increase providers' treatment capacity.

As you are aware, Maryland Medicaid covers therapy interventions delivered by a broader range of clinicians than Medicare. Medicare does not reimburse providers for any services delivered by licensed clinical professional counselors (LCPCs) or licensed marriage and family therapists (LMFTs), and requires a higher level of licensure to reimburse for the work of certain social workers, including LGPCs and LMSWs. According to a 2018 PCG cost analysis of CBH members, clinicians not covered by Medicare make up more than 49% of the therapy workforce among CBH members.

When Medicare coverage is applied retroactively to a consumer receiving services in Maryland's public behavioral health system (PBHS), the conflict between Medicaid's and Medicare's rules results in the Medicaid provider not being paid for services delivered in good faith to a client who had been eligible for them at the time of the service. Providers have the right to be paid for covered services delivered to participants in accordance with program rules¹ and, to fulfill this obligation, BHA policies indicate that the Maryland PBHS will pay providers for these claims.²

There is currently no operational process available for providers to be paid in accordance with these BHA policies. We request your assistance to address the workforce crisis by ensuring that these BHA policies are implemented effectively by Optum, and that denied claims submitted from 1/1/20 forward are paid immediately.

¹ COMAR 10.09.36.11(D).

² See Steinberg Memo, Jan. 30, 2008 (Appendix A); Steinberg Memo #2, Jan. 30, 2008 (Appendix B); see also Frechard emails, May 20-22, 2019 (Appendix C).

PBHS Covered Services for Medicare-Insured Clients

August 5, 2021

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Please don't hesitate to reach out if you have any questions or need additional information in support of this request.

Sincerely,

Shannon Hall
Executive Director

cc: Aliya Jones
Linda Rittelmann
Scott Greene

Appendix A: Steinberg Memo #1



STATE OF MARYLAND
DHMH

Maryland Department of Health and Mental Hygiene
Mental Hygiene Administration
Spring Grove Hospital Center – Dix Building
55 Wade Avenue – Catonsville, Maryland 21228

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary
Michelle A. Gourdine, M.D., Deputy Secretary, Public Health Services – Brian M. Hepburn, M.D., Executive Director

TO: PMHS Providers
FROM: Susan Steinberg, Esq., Deputy Director, MHA
DATE: January 30, 2008

MHA recognizes that Licensed Professional Counselors (LCPC) are not a provider type that may obtain a Medicare Provider Number. Therefore, services rendered by this provider type are not payable by the Medicare program.

Providers may submit claims for services provided to dually eligible consumers by an LCPC directly to MAPS-MD. The claims must be submitted on paper with a copy of this memo attached.

Please contact MAPS-MD Customer Service (1-800-888-1965, option 3) if you have questions.

Appendix B: Steinberg Memo #2



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene
Mental Hygiene Administration
Spring Grove Hospital Center – Dix Building
55 Wade Avenue – Catonsville, Maryland 21228

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

Michelle A. Gourdine, M.D., Deputy Secretary, Public Health Services – Brian M. Hepburn, M.D., Executive Director

TO: OMHC Providers
FROM: Susan Steinberg, Esq., Deputy Director, MHA
DATE: January 30, 2008

MHA recognizes that Licensed Graduate Social Workers (LGSW) are not a provider type that may obtain a Medicare Provider Number. Therefore, services rendered by this provider type are not payable by the Medicare program.

OMHC providers may submit claims for services provided to dually eligible consumers by an LGSW directly to MAPS-MD. The claims must be submitted on paper with a copy of this memo attached.

Please contact MAPS-MD Customer Service (1-800-888-1965, option 3) if you have questions.

Appendix C: Frechard Emails

On Mon, May 20, 2019 at 11:41 AM Oleg Tarkovsky <Oleg.Tarkovsky@mosaicinc.org> wrote:
Good Morning,

I hope your summer is off to a great start! Do you recall this ancient memo? Does this still apply today for Beacon? Is the process the same?

Oleg

On May 20, 2019, at 11:55 AM, Rebecca Frechard -MDH- <rebecca.frechard@maryland.gov> wrote:

Hi Oleg,

Nice to hear from you. I believe it is but am wondering why this would only just come up now. I think as long as someone has full Medicaid (Duals are full) b/c Medicare doesn't pay LCPC, Medicaid will pay the claim without it going through Medicare (for cross over). Same as with OTP services.

Are you experiencing a problem and/or have you uncovered something I need to investigate?

Thanks!

Rebecca Frechard, LCPC
Deputy Director, Medicaid Behavioral Health Division
201 W. Preston Street; 2nd floor
410-767-1750
rebecca.frechard@maryland.gov

On Wed, May 22, 2019 at 9:39 AM Oleg Tarkovsky <Oleg.Tarkovsky@mosaicinc.org> wrote:
Thank you for a quick response. No, no problems, we thought that it still was applicable. We just didn't know if prior authorizations were required. And our billing folks were wondering if they should use paper claims as stated in the original memo.

Oleg D. Tarkovsky, MBA, LCPC
Division Director Clinical Services
Mosaic Community Services, Inc.

From: Rebecca Frechard -MDH- <rebecca.frechard@maryland.gov>
Date: May 22, 2019 at 12:48:17 PM EDT
To: Oleg Tarkovsky <Oleg.Tarkovsky@mosaicinc.org>
Subject: Re: LCPC

Yes because Beacon's system would correctly deny based on the eligibility category and tell the sender to bill Medicare first. The paper process is a workaround to avoid that denial.

Rebecca Frechard, LCPC
Deputy Director, Medicaid Behavioral Health Division
201 W. Preston Street; 2nd floor
410-767-1750
rebecca.frechard@maryland.gov