



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Health and Social Services**

DIVISION OF BEHAVIORAL HEALTH
Director's Office

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April 13, 2018

The Honorable Neal Foster
Co-Chair, House Finance Committee
Room 410
House of Representatives
Alaska State Capitol
Juneau, AK 99801

The Honorable Paul Seaton
Co-Chair, House Finance Committee
Room 505
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Representatives Foster and Seaton:

This letter is in response to questions that were raised in the House Finance Committee on April 12, 2018, regarding SB 105 and HB 353, relating to licensure of Marital and Family Therapists (LMFTs) and Medicaid-eligible LMFT Services.

During the hearing there seemed to be some confusion over the question of whether the bill added LMFT services to the current list of optional services found in AS 47.07.030(b). The answer is yes: Section 3 of SB 105 adds marital and family therapy services to the list of services the Department may offer to Medicaid eligible persons.

By adding marital and family services as an optional service, the bill essentially creates a new Medicaid provider type: Licensed Marital and Family Therapists (or Marriage and Family Counselors). The Department understands that this was the intent of SB 105/HB353: to add LMFTs as eligible providers who can independently bill Medicaid for their services when provided to persons who qualify for Medicaid.

Please note that the practice of marital and family therapy is governed by a professional licensing board created in AS 08.63. That section of the occupational licensing statutes, among other matters, describes the qualifications necessary to become a marital and family therapist (AS 08.63.100), defines the practice of marital and family therapy [AS 08.63.900(5)], and makes it a class B misdemeanor to represent oneself to be a LMFT without the proper license and training (AS 08.63.220).

If SB 105 or HB 353 were to pass, a LMFT, when practicing independently, could bill Medicaid for a variety of psychotherapy services provided to a Medicaid-eligible client, including such CPT (Current Procedural Terminology) codes, for example, as 90832 (psychotherapy, individual) and ranging through 90853 (psychotherapy, group), and numerous appropriate CPT codes in between. Some of these services can already be delivered by other types of behavioral health professionals; again, this legislation will allow independent LMFTs to provide these services as well.

Also, it was stated yesterday by the Department's representative that the addition of LMFTs as an optional Medicaid Service would not require an amendment to the Medicaid State Plan, the agreement between the state and Federal government describing how a state administers its Medicaid program. This

is incorrect. Alaska would need the Centers for Medicare and Medicaid Services to review and approve the changes brought forth by SB 105/HB 353 if passed, a process we expect would take approximately 3-4 months. The Department's fiscal note takes this process into account in estimating costs and when they would be incurred.

Finally, there was discussion about whether this legislation would result in savings to the state. The department would expect the increased availability of marital and family therapy services to provide Medicaid beneficiaries with more options for more preventive care and thus reduce the need for more acute services. We expect this new access to marital and family services will reduce the likelihood that these individuals will wait until their symptoms become so urgent that they end up needing emergency services that typically are more intensive and more expensive. Such crisis services could also involve police and EMT interventions in addition to hospital emergency departments. Providing more options for persons seeking access to local behavioral health services could also reduce burdens on a variety of state services, from Corrections to child protection to the Court System. However, because not every person who might use marital and family therapy services will experience such a crisis, it is not possible to accurately quantify the impact.

Please let me know if the Division of its staff can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randall Burns", with a long, sweeping horizontal line extending to the right.

Randall Burns
Director

Cc: The Honorable David Wilson, Alaska State Senate
The Honorable Ivy Spohnholz, Alaska House of Representatives
Valerie Nurr'araaluk Davidson, Commissioner
Karen Forrest, Deputy Commissioner for Family, Community & Integrated Services
Darwin Peterson, Legislative Director, Office of Governor Bill Walker