



## Government Affairs and Public Policy

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# American Counseling Association Government Affairs and Public Policy 2023 Legislative Agenda

The American Counseling Association's policy agenda outlines critical priorities for promoting the counseling profession and furthering the ACA mission through state and federal advocacy.

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### 2023 Federal Priorities

**Medicare Reimbursement for Licensed Professional Counselors:** Medicare is the primary insurance provider for approximately 60 million Americans, including adults age 65 and over and individuals living with disabilities. By 2030, the number of beneficiaries is expected to surpass 80 million. These individuals cannot currently use Medicare to receive services from Licensed Professional Counselors (LPCs), which limits their access to mental health services, especially in rural communities. Last year, Congress voted to pass the 1.7 trillion-dollar fiscal year (FY) 2023 omnibus package, H.R.2617, entitled the Consolidated Appropriations Act, 2023. Among the provisions included in the omnibus was the Mental Health Access Improvement Act (S.828/H.R.432), which would improve access to mental health services by permitting LPCs to be reimbursed by Medicare. Counselors will be eligible to enroll beginning January 1, 2024. ACA Government Affairs and Public Policy team has transitioned to:

- Collaborate with the Centers for Medicare and Medicaid Services (CMS) to refine guidance to update regulatory language and internal systems that will accept LPCs as Medicare providers.
- Coordinate with CMS and ACA partners to ensure implementation of program rollout by January 1, 2024.
- Engage the White House administration on the importance of Medicare inclusion for licensed professional counselors and how it would increase access to care to those in need, especially in rural areas of the country.
- Engage licensed professional counselors in meetings and conversations around modernizing Medicare and providing a behavioral health-care pathway for millions of Americans.
- Continue to advocate and educate in tandem with the Medicare Mental Health Workforce Coalition on behalf of LPCs.
- Create a coordinated engagement strategy to shed light on the flawed Medicare system and the lack of access to behavioral health services for those critically in need of them.

**School-Based Mental Health Services:** ACA is in support of programs that make students safer at school, improve school climate and improve access to mental and behavioral health services at school. The Student Support and Academic Enrichment (SSAE) Grant under Title IV-A of the Every Student Succeeds Act (ESSA) is a flexible block that is designed to ensure that districts have access to programs that foster safe and healthy students, provide students with a well-rounded education and increase the effective use of technology in our nation's schools.

To continue to increase investments in school-based mental health services and school counseling programs, the ACA Government Affairs and Public Policy team will:

- Educate a wider array of Members of Congress, particularly those not on the education and funding committees, about the importance of and value of Title IV-A, with a focus on how the increased funding and flexibility is benefiting districts.
- Engage Department of Education representatives and urge them to make resources available to states and school districts to increase student-support services to meet recommended ratios of students to school counselors (250 students per counselor or 250:1).
- Advocate in tandem with the Title IV-A Coalition through targeted communication efforts and an effective legislative push.

**Veterans Affairs:** The increased hiring of LPMHCs within the Department of Veterans Affairs will reduce wait times for veterans seeking behavioral health services, as well as provide more career opportunities for licensed professional mental health counselors.

To continue the push for more LPMHC jobs in the Department of Veterans Affairs, the ACA Government Affairs and Public Policy team will:

- Work with the congressional Veterans Affairs Committees and the Department of Veterans Affairs to increase access to behavioral health services provided by rehab counselors and LPMHCs to veterans.
- Educate Members of Congress and their staff on LPMHC education and training as it relates to treating veterans.

**Social Justice:** The American Counseling Association denounces any form of violence or racial inequality. To continue to increase racial equity through federal advocacy, the ACA Government Affairs and Public Policy team will:

- Meet with congressional leaders to advance racial equity legislation that will incorporate the expertise of licensed professional counselors, and school counselor expertise in proposed congressional legislation
- Urge ACA membership to become engaged and advocate for the passage of legislation that will promote racial equity.
- ACA will continue to monitor mental health and counseling policy at the Federal level that may further promote racial justice and remove barriers to communities of color.

**COVID-19:** The COVID-19 pandemic has affected many people, by exacerbating mental health issues. To help those affected as well as increase access to care, the ACA Government Affairs and Public Policy team will:

- Advocate for the extension of tele-behavioral health provisions beyond the Public Health Emergency (PHE)
- Monitor legislation for support of small businesses, education, paycheck protection and grant opportunities.

**Career Counseling:** To continue to increase investments in college and career counseling programs, the ACA Government Affairs and Public Policy team will:

- Champion improving the workforce by supporting federal legislation that provides more funding for college and career counseling programs.
  - Push for Congress to prioritize critical new investments in career counseling to help students make informed choices, such as the Counseling for Career Choice Act.
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## 2023 State Priorities

**A State-Based Policy Framework to Support the Counseling Profession:** ACA's Government Affairs and Public Policy team aims to support states and territories in designing and implementing state-level policy approaches dedicated to bettering the counseling profession through a continuum of localized strategy, programs, and guidance. We are partnering with our members and branches to provide policy options and advocacy engagement from a multistate and national perspective. The goal is to bring states into greater alignment with each other in order to strengthen our counseling network and leverage our collective power.

The American Counseling Association encourages states to focus on key issue areas for advancing policy in 2023. These priority areas include:

**Interstate Compact for Licensure:** ACA will build upon our previous success by enlisting further states into the Compact while also taking part in the facilitation of a Counseling Compact Commission. Since the Compact was introduced in January of 2021, it has received strong bipartisan support across the country. Now that the Counseling Compact has surpassed its activation number of 10 states, the Compact has scheduled its inaugural public commission meeting. At this meeting, delegates from all Compact member states will begin the process of adopting rules and bylaws, establishing the structure of the Commission, and setting up the data system. After the activation process is complete, the Compact Commission will be ready to start granting privileges to practice. We anticipate the application for privileges to practice will be available in late 2023 or early 2024. To learn which states have enacted this legislation, please visit [counselingcompact.org](https://counselingcompact.org).

**Social Justice:** ACA will build on our past success in supporting state branch inclusion of racial justice initiatives into formal state policy agendas. State branches across the country have acted swiftly: creating committees geared toward action, highlighting critical policy for membership, and elevating the discourse in their communities. ACA will continue to monitor counseling policy that may further promote racial justice in 2023, particularly legislation that removes barriers to practice and promotes services in marginalized and underserved communities. We are focused on the intersections of mental health, counseling, and racial equity.

**Conversion-Therapy Bans:** ACA will support states in their efforts to align local practices with ACA's ethical code and current best practices. We will monitor bans of the discredited method referred to as conversion or reparative therapy throughout the U.S. and provide strategic resources to advance state goals for these bans.

**Ensuring Ethical Standards Meet Current Best Practices:** ACA is committed to promoting consistent ethical standards within the counseling profession and will foster relationships with boards, branches, and members as necessary to ensure this remains a priority.

**Ensuring Educational Standards Meet Current Best Practices:** ACA will encourage states to move toward greater alignment through outreach, monitoring regulatory board activity, promoting regulatory board representation in key states, and providing ACA members with resources to advocate.

In 2023, we will work with state legislatures and state agencies tasked with implementation of enacted legislation to ensure guidance is inclusive of counselors and states are issued the information necessary for providing critical mental health services. We will actively support states as they advocate for a stronger mental health infrastructure and enhance counseling awareness for policy making.

To accomplish this, we will work with our national ACA network and allies to advance legislative priorities, to monitor key policy making issues and to ensure members receive the tools necessary for effective advocacy. Such policies include but are not limited to:

- Supporting states in meeting criteria for the Counseling Compact by enhancing state educational requirements, ensuring diagnostic authority for practitioners, and other policies as needed.
  - Championing necessary counselor autonomy and client/doctor privacy in every state.
  - Monitoring tele-behavioral health developments.
  - Encouraging funding and appropriations for enhanced school-based counseling efforts.
  - Promoting additional resources for critical community-based mental health programs.
  - Highlighting the necessity of violence prevention programming, including mental health services and suicide prevention, in policy discourse at all levels of government.
  - Monitoring student loan repayment programs specific to the counseling profession.
  - Expanding insurance coverage for mental health providers, including insurance parity.
  - Supporting drug-use-disorder treatment programs.
  - Prioritizing mental health services for the military community.
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