

# **NEW YORK STATE MEDICAID FEE-FOR-SERVICE PROGRAM**

## **LICENSED CLINICAL SOCIAL WORKER, LICENSED MENTAL HEALTH COUNSELOR, & LICENSED MARRIAGE AND FAMILY THERAPIST POLICY MANUAL**

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## SECTION I: LCSW/LMHC/LMFT Requirements for Participation

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### ***Requirements for Participation***

#### **Licensed Clinical Social Worker (LCSW)**

To enroll and participate in the New York State (NYS) Medicaid fee-for-service (FFS) program, a Licensed Clinical Social Worker (LCSW) must be licensed and registered by the NYS Department of Education (NYSED).

Specific education, examination, and experience requirements for LCSW licensure are contained in Title 8, Article 154, Section 7704 of NYS's Education Law and Part 74 and Section 52.30 of the NYSED's Regulations of the Commissioner available at:

<https://www.op.nysed.gov/professions/licensed-clinical-social-worker-lcsw/laws-rulesregulations/article-154>.

NYSED Regulations of the Commissioner Part 74 (LCSWs), are available at:

<https://www.op.nysed.gov/professions/licensed-master-social-workerlmsw/lawsrulesregulations/part-74>.

#### **Licensed Master Social Worker (LMSW)**

A Licensed Master Social Worker (LMSW) must be licensed and registered by the NYSED. LMSWs may provide services when under the supervision of an LCSW, licensed psychologist, or psychiatrist. A LMSW cannot enroll or participate independently in the NYS Medicaid FFS program.

Specific education, examination, and experience requirements for LMSW licensure are contained in Title 8, Article 154, Section 7704 of NYS's Education Law and Part 74 and Section 52.30 of the NYSED's Regulations of the Commissioner available at:

<https://www.op.nysed.gov/professions/licensed-clinical-social-worker-lcsw/laws-rulesregulations/article-154>.

NYSED Regulations of the Commissioner Part 74 (LMSWs), are available at:

<https://www.op.nysed.gov/professions/licensed-master-social-workerlmsw/lawsrulesregulations/part-74>.

#### **Licensed Mental Health Counselor (LMHC)**

To enroll and participate in the NYS Medicaid FFS program, a Licensed Mental Health Counselor (LMHC) must be licensed and registered by the NYSED.

Specific education, examination, and experience requirements for LMHC licensure are contained in Title 8, Article 163, Section 8402 of NYS's Education Law and Section

52.32 and Subpart 79-9 of the NYSED's Regulations of the Commissioner available at: <https://www.op.nysed.gov/title8/education-law/article-163>.

NYSED Regulations of the Commissioner Part 79, Subpart 79-9 (LMHCs), are available at: <https://www.op.nysed.gov/professions/mental-health-counselors/lawsrulesregulations/subpart799>.

### **Licensed Marriage and Family Therapist (LMFT)**

To enroll and participate in the NYS Medicaid FFS program, a Licensed Marriage and Family Therapist (LMFT) must be licensed and registered by the NYSED.

Specific education, examination, and experience requirements for LMFT licensure are contained in Title 8, Article 163, Section 8403 of NYS's Education Law and Section 52.33 and Subpart 79-10 of the NYSED's Regulations of the Commissioner available at: <https://www.op.nysed.gov/title8/education-law/article-163>.

NYSED Regulations of the Commissioner Part 79, Subpart 79-10 (LMFTs), are available at: <https://www.op.nysed.gov/professions/marriage-and-familytherapists/lawsrulesregulations/subpart-7910>.

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## **SECTION II: Provider Enrollment**

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### ***NYS Medicaid FFS Provider Enrollment***

An LCSW, LMHC, and LMFT must be enrolled with the NYS Medicaid FFS program to receive reimbursement for services provided to a NYS Medicaid FFS member or Medicaid Managed Care (MMC) enrollee.

LCSWs, LMHCs, and LMFTs providing services in an Article 28 hospital outpatient department or free-standing clinic must be enrolled in the NYS Medicaid FFS program as an Ordering, Prescribing, Referring, Attending (OPRA) provider. LCSWs, LMHCs, and LMFTs providing services in an Article 16, 29-I, 31, and 32 setting, in accordance with the respective NYS Office of Children and Family Services (OCFS), Office for People with Developmental Disabilities (OPWDD), Office of Mental Health (OMH), and Office of Addiction Services and Supports (OASAS) agency requirements, must also be enrolled as an OPRA (non-billing or MMC-only) provider; all OPRA rules and guidance applicable to these settings should be followed.

Provider enrollment information can be found on the eMedNY web page, available at: <https://www.emedny.org/info/ProviderEnrollment/>

## ***Revalidation of Enrollment***

Medicaid-enrolled providers must revalidate their Medicaid enrollment every five years.

For the most current information on this requirement and how to complete it, please visit: <https://www.emedny.org/info/ProviderEnrollment/revalidation/>.

For information about the application fee associated with revalidation, please visit: <https://www.emedny.org/info/ProviderEnrollment/ffs.aspx>.

## **SECTION III: LCSW/LMSW/LMHC/LMFT Scope of Practice/Services**

### ***Scope of Practice/Services***

#### **LCSWs**

The NYS Medicaid program reimburses for services provided by enrolled LCSWs operating within their scope of practice.

The practice of clinical social work encompasses the scope of practice of licensed master social work as defined by SED and, in addition, includes the:

- diagnosis of mental, emotional, behavioral, addictive, and developmental disorders and disabilities and of the psychosocial aspects of illness, injury, disability, and impairment undertaken within a psychosocial framework;
- administration and interpretation of tests and measures of psychosocial functioning;
- development and implementation of appropriate assessment-based treatment plans; and
- provision of crisis-oriented psychotherapy and brief, short-term and long-term psychotherapy and psychotherapeutic treatment to individuals, couples, families, and groups, habilitation, psychoanalysis, and behavior therapy;
- all undertaken for the purpose of preventing, assessing, treating, ameliorating, and resolving psychosocial dysfunction with the goal of maintaining and enhancing the mental, emotional, behavioral, and social functioning and wellbeing of individuals, couples, families, small groups, organizations, communities, and society.

Additional information specific to LCSW scope of practice guidelines, as defined by NYSED, are contained in Title 8, Article 154, Section 7701 of NYS's Education Law and Part 74 and Section 52.30 of the NYSED's Regulations of the Commissioner, available at: <https://www.op.nysed.gov/professions/licensed-clinical-social-workerlcsw/lawsrulesregulations/article-154>.

## **Licensed Master Social Worker (LMSW) supervised by an LCSW, licensed psychologist or psychiatrist**

An LCSW, licensed psychologist, or psychiatrist must supervise all services provided by an LMSW to a Medicaid member. An LCSW may supervise up to six (6) LMSWs.

For specific supervision requirements of an LMSW by an LCSW, as defined by NYSED, please visit: <https://www.op.nysed.gov/professions/licensed-master-social-workerlmsw/lawsrulesregulations/part-74>.

### **LMSWs**

The practice of licensed master social work shall mean the:

- professional application of social work theory, principles, and the methods to prevent, assess, evaluate, formulate, and implement a plan of action based on client needs and strengths; and
- intervention to address mental, social, emotional, behavioral, developmental, and addictive disorders, conditions, and disabilities, and of the psychosocial aspects of illness and injury experienced by individuals, couples, families, groups, communities, organizations, and society.

Additional information specific to LMSW scope of practice guidelines, as defined by NYSED, are contained in Title 8, Article 154, Section 7701 of NYS's Education Law and Part 74 and Section 52.30 of the NYSED's Regulations of the Commissioner, available at: <https://www.op.nysed.gov/professions/licensed-clinical-social-workerlcsw/lawsrulesregulations/article-154>.

### **LMHCs**

The NYS Medicaid program reimburses for services provided by an LMHC operating within their scope of practice.

The practice of licensed mental health counselors encompasses the scope of practice of licensed mental health counseling as defined by SED and, in addition, includes the:

- use of assessment instruments;
- provision of mental health counseling and psychotherapy; and
- clinical assessment and evaluation, treatment planning and case management, prevention, discharge, and aftercare services.

After identifying and evaluating mental health problems and related human development challenges, mental health counselors employ effective methods of counseling and psychotherapy to treat individuals with conditions that may include mood disorders including depression, anxiety disorders, substance abuse, sexual dysfunction, eating disorders, personality disorders, dementia, and adjustment disorders.

LMHCs assist patients to develop skills and strategies to address issues such as parenting and career skills; problems in adolescent and family communication and functioning; couples, marital and relationship problems; and preventing the occurrence or re-occurrence of alcohol and substance abuse.

Additional information specific to LMHC scope of practice guidelines, as defined by NYSED, are contained in Title 8, Article 163, Section 8402 of NYS's Education Law and Section 52.32 and Subpart 79-9 of the NYSED's Regulations of the Commissioner available at: <https://www.op.nysed.gov/title8/education-law/article-163>.

### **LMFTs**

The NYS Medicaid program reimburses for services provided by an LMFT operating within their scope of practice.

The practice of licensed marriage and family therapists encompasses the scope of practice of licensed marriage and family therapy as defined by SED and, in addition, includes the provision of individual, couple, family, relational, and group therapy.

LMFTs treat a wide range of clinical problems including depression, marital problems, anxiety, and nervous and mental disorders, as well as relationship, couple, family, and child-parent problems. Marriage and family therapy is often brief and solution-focused, and it is designed to achieve specific therapeutic goals of individuals and families.

Additional information specific to LMFT scope of practice guidelines, as defined by NYSED, are contained in Title 8, Article 163, Section 8403 of NYS's Education Law and Section 52.33 and Subpart 79-10 of the NYSED's Regulations of the Commissioner are available at <https://www.op.nysed.gov/title8/education-law/article-163>.

**NOTE:** Questions relating to LCSW, LMSW, LMHC, and LMFT scope of practice/services should be directed to NYSED.

### ***Documentation Requirements***

“Record Keeping Requirements” may be found in the *Information to All Providers General Policy* guidelines available at [https://www.emedny.org/ProviderManuals/AllProviders/PDFS/Information\\_for\\_All\\_ProvidersGeneral\\_Policy.pdf](https://www.emedny.org/ProviderManuals/AllProviders/PDFS/Information_for_All_ProvidersGeneral_Policy.pdf).

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## **SECTION IV: Billing**

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### ***Billing Guidance***

**LCSWs**

LCSWs, in a private practice or group practice setting and enrolled in the NYS Medicaid FFS program, can bill the program directly for services they provide or services provided by LMSWs or LCSW/LMSW limited permit holders whom they supervise. When claiming for services, LCSWs should use their National Provider Identifier (NPI) as the attending provider for their services.

LCSWs bill using the procedure codes identified in the *table below* and found in the:

- *Licensed Clinical Social Worker Procedure Codes & Fee Schedule*, available at: <https://www.emedny.org/ProviderManuals/ClinicalSocWork/>.

CPT Code	Code Description
90791	<b>Psychiatric diagnostic evaluation</b>
90832	<b>Psychotherapy, 30 minutes with patient</b> The treatment session with the patient typically lasts for anywhere between 16 to 37 minutes.
90834	<b>Psychotherapy, 45 minutes with patient</b> The treatment session with the patient typically lasts for anywhere between 38 to 52 minutes.
90837	<b>Psychotherapy, 60 minutes with patient</b> The treatment session typically lasts for a minimum of 53 minutes or more.
90785	<b>Interactive complexity (List separately in addition to the code for primary procedure)</b> Use 90785 in conjunction with codes for diagnostic psychiatric evaluation 90791, and group psychotherapy 90853.
90839	<b>Psychotherapy for crisis; first 60 minutes</b> The treatment session typically lasts anywhere between 30 to 74 minutes.
90840	<b>Psychotherapy for crisis; each additional 30 minutes (List separately in addition to code for primary service)</b> Use 90840 in conjunction with 90839. Do not report 90840 in conjunction with 90791, psychotherapy codes 90832-90837 or other psychiatric services, or 90785-90853.



90846	<b>Family psychotherapy (without the patient present), 50 minutes</b> Do not report 90846 for family psychotherapy services less than 26 minutes.
90847	<b>Family psychotherapy (conjoint psychotherapy) (with patient present), 50 minutes</b> Do not report 90847 for family psychotherapy services less than 26 minutes.
90849	<b>Multiple-family group psychotherapy, 45-60 minutes</b>
90853	<b>Group psychotherapy (other than of a multiple-family group)</b> The psychotherapist selects a group of patients who are not members of the same family, involving no more than 12 participants, and leads the group therapy session for 45 to 60 minutes
98970	<b>Qualified non-physician healthcare professional online assessment and management, for an established patient, for up to seven days, cumulative time during the seven days; five to 10 minutes.</b> <i>*This code is limited to e-consults only.</i>
98971	<b>Qualified non-physician healthcare professional online assessment and management service, for an established patient, for up to seven days, cumulative time during the seven days; 11 to 20 minutes.</b> <i>*This code is limited to e-consults only.</i>
98972	<b>Qualified non-physician healthcare professional online assessment and management service, for an established patient, for up to seven days, cumulative time during the seven days; 21 or more minutes.</b> <i>*This code is limited to e-consults only.</i>
H2017	<b>Psychosocial rehabilitation services, per 15 minutes</b>
T1013	<b>Sign Language or oral interpreter services, per 15 minutes</b>

**LMHCs and LMFTs**

LMHCs and LMFTs, in a private or group practice setting and enrolled in the NYS Medicaid FFS program, can bill the program directly for services they provide or for services provided by LMHC/LMFT limited permit holders whom they supervise. When

claiming for services, LMHCs and LMFTs should use their NPI as the attending provider for their services or for services provided by an LMHC/LMFT with a limited permit.

LMHCs and LMFTs bill using the procedure codes identified in the *table below* and found in the:

- *Licensed Mental Health Counselor and Licensed Marriage and Family Therapist Procedure Codes & Fee Schedule*, available at: <https://www.emedny.org/ProviderManuals/LMHP/>.

CPT Code	Code Description
90832	<b>Psychotherapy, 30 minutes with patient</b> The treatment session with the patient typically lasts for anywhere between 16 to 37 minutes.
90834	<b>Psychotherapy, 45 minutes with patient</b> The treatment session with the patient typically lasts for anywhere between 38 to 52 minutes.
90837	<b>Psychotherapy, 60 minutes with patient</b> The treatment session typically lasts for a minimum of 53 minutes or more.
90785	<b>Interactive complexity (List separately in addition to the code for primary procedure)</b> Use 90785 in conjunction with psychotherapy 90832, 90833, 90834, 90837, and group psychotherapy 90853. Do not report 90785 in conjunction with 90839 and 90840.
90839	<b>Psychotherapy for crisis; first 60 minutes</b> Do not report 90839 in conjunction with 90832-90837 or other psychiatric services, or 90785-90839.
90840	<b>Psychotherapy for crisis; each additional 30 minutes (List separately in addition to code for primary service)</b> Do not report 90840 in conjunction with codes 90832-90837 or other psychiatric services, or 90785-90839.
90846	<b>Family psychotherapy (without the patient present), 50 minutes</b>

<p><b>90847</b></p>	<p><b>Family psychotherapy (conjoint psychotherapy) (with patient present), 50 minutes</b> Do not report 90847 for family psychotherapy services less than 26 minutes.</p>
<p><b>90849</b></p>	<p><b>Multiple-family group psychotherapy, 45-60 minutes</b></p>
<p><b>90853</b></p>	<p><b>Group psychotherapy (other than of a multiple-family group)</b> The psychotherapist selects a group of patients who are not members of the same family, involving no more than 12 participants, and leads the group therapy session for 45 to 60 minutes. Use 90853 in conjunction with 90785 for the specified patient when group psychotherapy includes interactive complexity.</p>
<p><b>T1013</b></p>	<p><b>Sign Language or oral interpreter services, per 15 minutes</b></p>

### ***Limited Permit Holders***

The NYS Medicaid program also reimburses for services provided by individuals who have a limited permit and whose services are provided within NYSED scope of practice.

This includes reimbursement to:

- LCSWs for services rendered by LCSW limited permit holders and LMSW limited permit holders under the supervision of an LCSW;
- LMHCs for services rendered by LMHC limited permit holders under the supervision of an LMHC; and
- LMFTs for services rendered by LMFT limited permit holders under the supervision of an LMFT.

Services provided by an LMSW or an LCSW/LMSW with a limited permit may be claimed by the supervising LCSW with the NPI of the supervising LCSW reported as the attending provider. Services provided by an LMFT or LMHC with a limited permit may be claimed by the supervising LMFT or LMHC, respectively, with the NPI of the supervising provider reported as the attending provider.

**NOTE: Limited Permit Holders cannot enroll in Medicaid.**

For additional information or questions on limited permits, visit the NYSED web page, available at: <https://www.op.nysed.gov/professions/licensed-mastersocialworkerlmsw/laws-rules-regulations/part-74>.

### ***Student Interns***

Medicaid reimbursement is available when individual or group therapy is being provided under the direct, face-to-face supervision of a NYS licensed and currently registered practitioner acting within their scope of practice. To be Medicaid reimbursable, a session involving a student intern must be conducted with the licensed clinician in continuous attendance with the student intern and the member receiving the service. In addition, the qualified practitioner must be guiding the student intern in service delivery and cannot be engaged in treating another member, supervising another student intern, or doing other tasks at the same time. The qualified practitioner is responsible for the services that are furnished to the member, including writing a session note that reflects the service that was delivered, and signing all documentation. It is permissible, but not necessary, for the student intern to sign the session note. A separate note may be written by the student intern for educational purposes.

### ***Article 28 Facilities***

Per Public Health Law (PHL) § 2807, NYS Medicaid reimburses mental health counseling services provided in Article 28 hospital outpatient clinics, as well as freestanding Diagnostic and Treatment Centers (D&TCs).

In an Article 28 clinic, an:

- LCSW/LMSW can provide individual psychotherapy to individuals under age 21, and pregnant women up to 12 months postpartum (based on the date of delivery or end of pregnancy).
- LMHC/LMFT can provide services within their scope of practice; there is no limit on the patient population that can receive treatment in this setting.

The payment to the clinic includes the cost of services provided by an LCSW/LMSW/LMHC/LMFT. A professional claim cannot be billed.

When billing for LCSW, LMSW, LMHC, and LMFT services provided in an Article 28 clinic, the practitioner's NPI should be identified as the attending provider. The Article

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28 clinic must affiliate the practitioner's NPI in eMedNY. For affiliation instructions, please visit the following link: <https://npi.emedny.org/>.

Additional NYS Medicaid billing guidance can be found on the eMedNY web page, titled *Information for All Providers*, available at:

<https://www.emedny.org/ProviderManuals/AllProviders/>

### **Article 16, 29-I, 31, and 32 Facilities**

Additional NYS OASAS, OCFS, OMH, and OPWDD billing guidance can be found at the following web pages:

- OASAS: <https://oasas.ny.gov/reimbursement/ambulatory-providers>
- OCFS: <https://ocfs.ny.gov/programs/managed-care/billing.php>
- OMH: [https://omh.ny.gov/omhweb/clinic\\_restructuring/fiscal-billing-resources/](https://omh.ny.gov/omhweb/clinic_restructuring/fiscal-billing-resources/)
- OPWDD: <https://opwdd.ny.gov/providers/article-16-clinics>

## **SECTION V: IMPORTANT LINKS AND RESOURCES**

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### ***Important Links***

#### **NYS Medicaid Update Publications:**

New York State (NYS) *Medicaid Update* articles are published monthly. Updates to LCSW, LMHC, and LMFT policy guidelines may be made periodically and posted on the NYS Medicaid program's *Medicaid Update* web page. NYS *Medicaid Updates* are available on the NYS Department of Health (DOH) web page, at [https://www.health.ny.gov/health\\_care/medicaid/program/update/main.htm](https://www.health.ny.gov/health_care/medicaid/program/update/main.htm).

#### **Provider Communications:**

Provider communications may periodically be posted on the eMedNY *Clinical Social Worker Manual* web page. Providers should click on the *Clinical Social Worker Provider Communications* icon under "Featured Links," available at <https://www.emedny.org/ProviderManuals/ClinicalSocWork/>, for further information.

#### **NYS Medicaid Fee-For-Service (FFS) LCSW and LMHC and LMFT Fee Schedules:**

- The NYS Medicaid FFS *Licensed Clinical Social Worker Procedure Codes & Fee Schedule* is available at: <https://www.emedny.org/ProviderManuals/ClinicalSocWork/>.
- The NYS Medicaid FFS *Licensed Mental Health Counselor and Licensed Marriage and Family Therapist Procedure Codes & Fee Schedule* is available at: <https://www.emedny.org/ProviderManuals/LMHP/>

**New York State Education (NYSED) Information on Limited Permits:** Information on limited permits is available on the NYSED web page, at:

<https://www.op.nysed.gov/professions/licensed-master-social-workerlmsw/lawsrulesregulations/part-74>.

**NYS Medicaid General Policy Manual – Information for All Providers:** General Medicaid policy information and billing guidance is available on the eMedNY web page, titled *Information for All Providers*, at:  
<https://www.emedny.org/ProviderManuals/AllProviders/>

## **Resources**

- The eMedNY LISTSERV® is a Medicaid mailing system that offers providers, vendors, and other subscribers the opportunity to receive a variety of notifications from eMedNY. The email notifications are provided as a free service to subscribers and may include information on provider manual updates, fee schedules, edit status changes, billing requirements and other helpful notices. Additional information regarding eMedNY LISTSERV® can be found at:  
[https://www.emedny.org/Listserv/eMedNY\\_Email\\_Alert\\_System.aspx](https://www.emedny.org/Listserv/eMedNY_Email_Alert_System.aspx)
- Change of Address for Enrolled Providers:  
<https://www.emedny.org/info/ProviderEnrollment/changeaddress.aspx>
- General Billing:
  - <https://www.emedny.org/ProviderManuals/AllProviders/> ○ Includes information on the following:
    - ✦ Frequently Asked Questions on Delayed Claim Submission:
    - ✦ Submitting Claims over 90 Days from Date of Service
- General eMedNY website: <https://www.emedny.org/>
- Guide to Timely Billing Information for all Providers – General Policy:  
[https://www.emedny.org/ProviderManuals/AllProviders/PDFS/Information\\_for\\_All\\_Providers-General\\_Policy.pdf](https://www.emedny.org/ProviderManuals/AllProviders/PDFS/Information_for_All_Providers-General_Policy.pdf)
- Timely Billing Information:  
[https://www.emedny.org/info/TimelyBillingInformation\\_index.aspx](https://www.emedny.org/info/TimelyBillingInformation_index.aspx)
- Guide to Claim Denial Reasons:  
[http://www.health.ny.gov/health\\_care/medicaid/program/update/2015/april\\_mu](http://www.health.ny.gov/health_care/medicaid/program/update/2015/april_mu).
- Medicaid Eligibility Verification System (MEVS):  
[https://www.emedny.org/ProviderManuals/5010/MEVS/MEVS\\_DVS\\_Provider\\_Manual\\_\(5010\).pdf](https://www.emedny.org/ProviderManuals/5010/MEVS/MEVS_DVS_Provider_Manual_(5010).pdf)
- MMC Plan Directory:  
[https://www.emedny.org/ProviderManuals/AllProviders/PDFS/Information\\_for\\_All\\_Providers\\_Managed\\_Care\\_Information.pdf](https://www.emedny.org/ProviderManuals/AllProviders/PDFS/Information_for_All_Providers_Managed_Care_Information.pdf)
- New York Codes, Rules and Regulations, Title 18 (Social Services):  
[http://www.health.ny.gov/regulations/nycrr/title\\_18/](http://www.health.ny.gov/regulations/nycrr/title_18/)

- New York Codes, Rules and Regulations, Title 10 (Health): [http://www.health.ny.gov/regulations/nycrr/title\\_10/](http://www.health.ny.gov/regulations/nycrr/title_10/)
- Provider Quick Reference Guide: <https://www.emedny.org/contacts/telephone%20quick%20reference.pdf>
- Provider Enrollment Forms: <https://www.emedny.org/info/ProviderEnrollment/>.