



AMERICAN
PSYCHOLOGICAL
ASSOCIATION
PRACTICE ORGANIZATION

December 14, 2011

Ms. Marilyn Tavenner
Acting Administrator
Chief Operating Officer
Centers for Medicare & Medicaid Services
Department of Health and Human Services

Via Internet: <http://www.regulations.gov>

Re: Medicare and Medicaid Programs: Reform of Hospital and Critical Access Hospital
Conditions of Participation [CMS-3244-P]

Dear Ms. Tavenner:

I am writing on behalf of the American Psychological Association Practice Organization (APAPO). The APAPO is a companion organization to the American Psychological Association, the largest organization of psychologists worldwide, with more than 154,000 members. Many of our members provide crucial mental and behavioral health services to Medicare and Medicaid beneficiaries in hospital settings. We appreciate the opportunity to comment on the reform of hospital and critical access hospital conditions of participation in Medicare and Medicaid programs.

APAPO commends CMS on its efforts to reduce regulatory burden and system costs by removing or revising obsolete and unnecessary provisions. We also appreciate CMS's goals of increasing flexibility and improving clarity. In particular, we support the following stated goals of the proposed changes to the conditions of participation on "Medical Staff" § 482.22 (76 FR 65893):

- Providing hospitals the "clarity and flexibility they need to maximize their staffing opportunities for all practitioners, and particularly for non-physician practitioners."
- Clarifying that "a hospital may grant privileges to both physicians and non-physicians to practice within their State scope of practice, regardless of whether they are also appointed to the hospital's medical staff."

However, we are concerned that the proposed changes to "Medical Staff" rules could encourage hospitals to adopt different categories of medical staff membership that would put all non-physicians practitioners, including doctoral-level licensed independent practitioners such as psychologists, on a lower tier than physicians. Although the notice of proposed rulemaking specifically does not "require or suggest" such an arrangement, it does state that a

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hospital “could establish categories within its medical staff to create distinctions between practitioners who have full membership and a new category for those who could be classified as having an ‘associate,’ ‘special,’ or ‘limited’ membership” (76 FR 65894). This type of staff structure could interfere with the ability of non-physician practitioners to participate fully and appropriately in matters pertaining to their areas of expertise. Patients may receive better and more integrated care in hospitals that include psychologists as full members of the medical staff.¹

We urge that all qualified non-physician professionals, including independently licensed practitioners with doctoral-level training such as psychologists, be given an opportunity to participate fully on the medical staff. For example, § 482.22(a) already states that the medical staff must be composed of “doctors of medicine or osteopathy and, in accordance with State law, may also be composed of other practitioners.” However, language could be added to § 482.22 to further clarify that non-physician professionals may be appointed as *full* medical staff members.

APAPO thanks you for the opportunity to provide comments on the reform of hospital and critical access hospital conditions of participation. If you have any questions or seek further information, please contact Elizabeth Winkelman, JD, PhD, Director of Regulatory Development, at 202-336-5886 or ewinkelman@apa.org.

Sincerely,

A handwritten signature in black ink, reading "Katherine C. Nordal, Ph.D.", with a long horizontal flourish extending to the right.

Katherine C. Nordal, Ph.D.
Executive Director for Professional Practice
APA Practice Organization

¹ See, e.g., Bailey, D.S. (2006) Psychologists’ hospital privileges benefit patients. *Monitor on Psychology*, 37(5), 44; Eckleberry-Hunt, J., Van Dyke, A., Stucky, K., & Misch, P. (2009). Attaining medical staff membership and privileges for psychologists: A case study. *Professional Psychology: Research and Practice*, 40(6), 579-585.