Using the DSM-5 Legally and Ethically: A Clinician’s Guide

Section C

Insurance Fraud
Considering Culture in the DSM

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Parity Diagnoses
http://www.dol.gov/ebsa/newsroom/insurance.html

DSM LEGAL AND ETHICAL ISSUE
U.S. Department of Labor
Employee Benefits Security Administration

January 29, 2010

The Mental Health Parity and Addiction Equity Act of 2008 requires group health plans and health insurance issuers to ensure that financial requirements (such as co-pays, deductibles) and treatment limitations (such as visit limits) applicable to mental health or substance use disorder benefits are no more restrictive than the predominant requirements or limitations applied to substantially all medical/surgical benefits.

Accuracy in Diagnosis
Parity Diagnoses

DSM LEGAL AND ETHICAL ISSUE
Mental Health Insurance Coverage
• “Stretching” for “parity” is very tempting…
• Sometimes called “INSURANCE DIAGNOSIS”
• Same benefits & limits as medical diseases
  – Tempting to help client receive better reimbursement
• 1996 Federal Legislation enacted
• 1998 Federal Legislation implemented

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Section C
Accuracy in Diagnosis
Parity Diagnoses
http://www.millsconsulting.com/start/parity.html

Actual Diagnoses Vary by State
IN GENERAL, CALIFORNIA PARITY INCLUDES:
• Anorexia
• Bipolar Disorder
• Bulimia
• Major Depression
• Obsessive-Compulsive Disorder
• Panic Disorder
• Pervasive Developmental Disorder
• Schizoaffective Disorder
• Schizophrenia

DSM LEGAL AND ETHICAL ISSUE
“Many practitioners see the DSM as a game to be played and misinterpret their work to 3rd parties…” (p. 24)
Socioeconomic level impacts diagnosis
– Ability to pay out of pocket lessens insurance “game playing”

DSM LEGAL AND ETHICAL ISSUE
Managed Care May Not Reimburse
• “Medically necessary treatment” is required
  – Pragmatic reasons encourage inaccurate Dx
  – Sometimes called “INSURANCE DIAGNOSIS”
• Clinic and HMO clients stimulate misrepresentation
  – “Diagnostic discrimination”
  – Worse diagnoses assigned to insurance clients
    • Lower SES clients receive parity diagnoses
    • Appear in research to have higher levels of serious mental illness
Accuracy in Diagnosing
Erikson & Kress, 2005

DSM LEGAL AND ETHICAL ISSUE
Managed Care May Not Reimburse
• Provision of parity diagnosis for Couple & Family therapy
• Accurate diagnosis = Z-Code
  – NO insurance reimbursement for Z-Codes
  – Illegal solution:
    – Assignment of parity diagnosis
    – Identified Patient (IP) for insurance billing

Accuracy in Diagnosing
Erikson & Kress, 2005

DSM LEGAL AND ETHICAL ISSUE
Assigning Inappropriate Diagnosis
• Constitutes insurance fraud
  – Survey research:
    – 44% respondents
    • “Changed
    • Or would change
    • A client's diagnosis to qualify for HMO reimbursements”

Intentional Misdiagnosis
Braun & Cox, 2005

• Managed Care and Ethical Issues
  DSM Ethical and Legal Concerns
  – Therapists are not honoring DSM codes
  – Patient-therapist agreement
    – Submit inaccurate codes
    – “Diagnosing for Dollars”
**Intentional Misdiagnosis**  
*Braun & Cox, 2005*

- Managed Care and Ethical Issues
  - DSM Ethical and Legal Concerns
    - Temptation to intentionally misdiagnose
      - Clients receive reimbursement
      - Clients receive more treatment

**Ethics and Multiculturalism**  
*Sue & Sue, 2007; Welfel, 2013*

*Diversity as centerpiece of ethics*
- Needs further attention in DSM
- Competence and skill not yet achieved
- A factor in every aspect of professional practice
Ethnic and Cultural Sensitivity

DSM: The Impact of Cultural Differences
- Cultures exhibit symptoms differently
- Understanding distinctions helps aids proper diagnosis
- Increases effective treatment

Ethnic and Cultural Sensitivity

- ETHNIC & CULTURAL SENSITIVITY
- TWO METHODS TO ADDRESS
  - OUTLINE DISCUSSION
  - Outline for Cultural Formulation
  - Cultural Formulation Interview (CFI)
  - Cultural Concepts of Distress

(2) Outline for Cultural Formulation
- Five elements for assessment
FIVE CULTURAL CATEGORIES FOR EXAMINATION

(1) Cultural Identity of Individual


FIVE CULTURAL CATEGORIES FOR EXAMINATION

(2) Cultural Conceptualizations of Distress


FIVE CULTURAL CATEGORIES FOR EXAMINATION

(3) Psychosocial Stressors & Cultural Features of Vulnerability & Resilience

(4) Cultural Features of the Relationship Between Individual and Clinician

(Cultural Formulation)


(5) Overall Cultural Assessment

(Cultural Formulation)


(3) Cultural Formulation Interview (CFI)


Third element of Assessment
• Set of 16 questions
• Impact of culture on presentation
• A mental health assessment
• Use in entirety or specific components
Cultural Formulation Interview (CFI)  

- Emphasizes four domains
  1. Cultural definition of the problem  
     - Questions 1-3
  2. Cultural perceptions of cause, context, and support  
     - Questions 4-10

Cultural Formulation Interview (CFI)  

- Emphasizes four domains
  3. Cultural factors affecting self-coping and past help seeking  
     - Questions 11-13
  4. Cultural factors affecting current help seeking  
     - Questions 14-16

(4) Cultural Concepts of Distress  

Current formulation:
- Acknowledges distress is locally shaped  
  "From this perspective, many DSM diagnoses can be understood as operationalized prototypes that started out as cultural syndromes, and became widely accepted as a result of their clinical and research utility."  
  (p. 758)
Cultural Concepts of Distress

Glossary of Cultural Concepts of Distress
  • Glossary Located in Appendix
    – Well-studied cultural concepts of distress
    – Guideline for interrelationships among cultural syndromes

Sum Up Questions

LEGAL / ETHICAL ISSUE:
Why are clinicians tempted to inflate a diagnosis and give an “insurance” diagnosis?

Answer:

Sum Up Questions

LEGAL / ETHICAL ISSUE:
Which population is most adversely affected by misdiagnosis of a parity diagnosis?

Answer:
Sum Up Questions

LEGAL / ETHICAL ISSUE:
Why are individuals with parity diagnoses at more risk for potential negative consequences related to being diagnosed with a parity diagnosis?

Answer:

Sum Up Questions

In which section are the cultural sensitivity assessment measures located?

Answer:

References


References


Bibliography