Texas Medicaid: After a decade of advocacy, there is still work to be done

Mariel Fernandez, MS, BCBA, LBA

President- Elect: TXABA Public Policy Group

President: Blue Sprig Pediatrics Advocacy Committee





Brief History of the ABA Medicaid Benefit

Medicaid EPSDT Coverage of Autism Services



DEPARTMENT OF HEALTH & HUMAN SERVICES Centers for Medicare & Medicaid Services 7500 Security Boulevard, Mail Stop S2-26-12 Baltimore, Maryland 21244-1850



CMCS Informational Bulletin

DATE: July 7, 2014

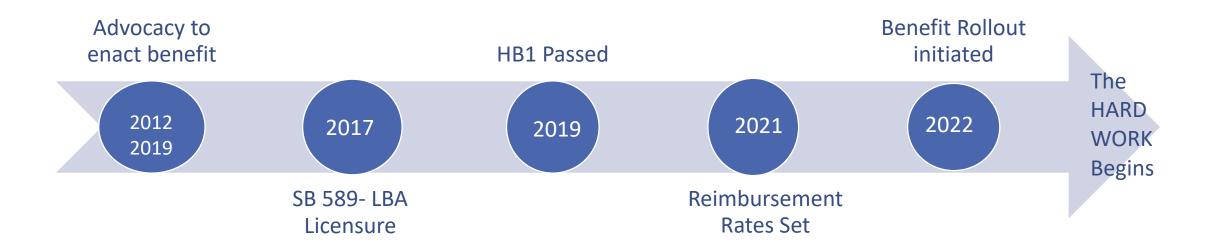
FROM: Cindy Mann, Director

Center for Medicaid and CHIP Services

SUBJECT: Clarification of Medicaid Coverage of Services to Children with Autism

Intensive Behavioral Intervention. Contingent on the Health and Human Services Commission (HHSC) adding intensive behavioral intervention (IBI) as a Medicaid benefit for persons under age 20* with a diagnosis of Autism Spectrum Disorder, HHSC may expend funds appropriated above in Strategy A.1.5, Children, to reimburse for provision of IBI services.

Timeline



Initial Advocacy Efforts- 2012- 2015

From 2012-2015 Approximately 10 children gain access to ABA through the state Medicaid plan without a State Plan Amendment

HHSC stops approving clients, citing language from CMS July 2014 informational bulletin regarding "Other Licensed Practitioners"

Behavior Analysts in Texas, say, "ok, we'll get licensed".

Other Licensed Practitioner Services

Other Licensed Practitioner services (OLP) services, defined at 42 CFR 440.60, are "medical or remedial care or services, other than physicians' services, provided by licensed practitioners within the scope of practice as defined under State law." If a state licenses practitioners who furnish services to address ASD, the state may elect to cover those providers under this section of their state plan even if the providers are not covered under other sections of the plan (e.g., physical therapist, occupational therapist, etc.). A state would need to submit a state plan amendment (SPA) to add the new licensed provider to their Medicaid plan. The SPA must describe the provider's qualifications and include a reimbursement methodology for paying the provider.

In addition, services that are furnished by non-licensed practitioners under the supervision of a licensed practitioner could be covered under the OLP benefit if the criteria below are met:

- Services are furnished directly by non-licensed practitioners who work under the supervision of the licensed practitioners;
- The licensed provider is able to furnish the service being provided;
- The state's Scope of Practice Act for the licensed practitioners specifically allows the licensed practitioners to supervise the non-licensed practitioners who furnish the service;
- The state's Scope of Practice Act also requires the licensed practitioners to assume professional responsibility for the patient and the service furnished by the unlicensed practitioner under their supervision; and
- The licensed practitioners bill for the service;

SB 589- Licensed Behavior Analysts

S.B. No. 589

1 AN ACT

2 relating to the licensing and regulation of behavior analysts and

3 assistant behavior analysts; requiring an occupational license;

4 imposing fees.



Representative Ron Simmons



Senator Eddie Lucio





Behavior Analysts

On this page:

TEXAS DEPARTMENT OF LICENSING & REGULATION

- Sign Up for Email Updates
- News and Updates
- Advisory Board Meetings

Renew or Apply Online for a Behavior Analyst License

Renew a License	
Apply for a License	+
Search Licenses	
Forms & Applications	
Laws & Administrative Rule	s

Frequently Asked Questions

We got licensed... give us Medicaid coverage



TEXAS
Health and Human
Services

Cecile Erwin Young

February 3, 2022

Ms. Diona Kristian
Centers for Medicare and Medicaid Services
Center for Medicaid and CHIP Services
Division of State Demonstrations and Waivers
7500 Security Boulevard
Mail Stop S2-25-26
Baltimore, MD 21244-1850

Dear Ms. Kristian:

On October 1, 2021, the Texas Health and Human Services Commission (HHSC) submitted Texas 1115 Demonstration Amendment 19 requesting the Centers for Medicare and Medicaid Services (CMS) approval to allow HHSC to reimburse managed care organizations (MCOs) for applied behavior analysis (ABA) services on a non-risk basis.

Amendment 19 proposed the following:

HHSC requested an amendment to waive Section 1903(m) of the Social Security Act and related regulations including 42 CFR 438.2 to allow certain non-risk payments to MCOs pursuant to 42 C.F.R. 447.362.

HHSC's waiver amendment submission was proposed to allow for CMS approval of the non-risk methodology that HHSC will use to pay the managed care organizations for providing the ABA services. ABA services will still be covered as an Early and Periodic Screening, Diagnostic and Treatment (EPSDT) service to the extent required by 42 U.S.C. 1396a(a)(43). ABA services for Medicaid-enrolled children/youth with a diagnosis of Autism Spectrum Disorder (ASD) would include: behavior identification assessment; individual and group treatment by protocol; individual and group treatment with protocol modification;

P.O. Box 13247 • Austin, Texas 78711-3247 • 512-424-6500 • hhs.texas.gov

Intensive Behavioral Intervention. Contingent on the Health and Human Services Commission (HHSC) adding intensive behavioral intervention (IBI) as a Medicaid benefit for persons under age 20* with a diagnosis of Autism Spectrum Disorder, HHSC may expend funds appropriated above in Strategy A.1.5, Children, to reimburse for provision of IBI services.

We did it!



Draft policy



Autism Services-Medicaid Draft Policy Comment Responses

The comment period for the Medicaid Autism Services policy was from September 24, 2019 through October 7, 2019. During this period, the Texas Health and Human Services Commission (HHSC) received comments from stakeholders. A summary of comments relating to the proposed policy and HHSC's responses follow.

Medicaid Autism Services: HHSC Responses to Public Comments on Posted Draft Policy

HHSC has posted its responses to public comments on the draft policy for Applied Behavior Analysis Services within the Medicaid Autism Services policy.

Find it on the Medicaid Medical & Dental Policies webpage.

On July 15, 2021, the Texas Medicaid and Healthcare Partnership posted a <u>Provider Notification</u> about Licensed Behavior Analyst enrollment to provide Medicaid ABA services.

TMHP will begin accepting applications on July 30. The final policy language will be posted in the Recent News section on the TMHP website.

Email HHSC if you have questions.

Hurricanes, COVID and a Power Grid disaster



Rate hearings

HHSC Public Rate Hearing

Proposed Medicaid Payment Rates for the Medical Policy Review of Autism Services

- Tuesday, March 16, 2021
- Hearing begins at 9:00 AM
- Testimony related to proposed Medicaid reimbursement rates for the Medical Policy Review of Autism Services
- Proposed Effective dates of February 1, 2022
- Briefing Packets can be found at: https://rad.hhs.texas.gov/rate-packets
- Questions and comments may be sent to <u>PFDAcuteCare@hhs.texas.gov</u>

Medicial Policy Attachment 1 - Autism Services - (Proposed to be effective February 1, 2022)

						CURRENT 2/1/2022				Percent
TOS*	Proce- dure Code	Long Description	Modifier 1	Age Range	Non-Facility (N)/ Facility (F)	Current Medicaid Fee	Adjusted Medicaid Fee	Proposed Medicaid Fee	Adjusted Medicaid Fee	Change from Current Medicaid
1	97151	**	НО	0-20		Not a Benefit	Not a Benefit	\$24.71	\$24.71	100.00%
1	97153	**		0-20		Not a Benefit	Not a Benefit	\$7.58	\$7.58	100.00%
1	97154	**		0-20		Not a Benefit	Not a Benefit	\$1.26	\$1.26	100.00%
1	97155	**	НО	0-20		Not a Benefit	Not a Benefit	\$21.06	\$21.06	100.00%
1	97155	**	HM	0-20		Not a Benefit	Not a Benefit	\$16.85	\$16.85	100.00%
1	97156	**	НО	0-20		Not a Benefit	Not a Benefit	\$20.00	\$20.00	100.00%
1	97156	**	HM	0-20		Not a Benefit	Not a Benefit	\$16.00	\$16.00	100.00%
1	97158	**	НО	0-20		Not a Benefit	Not a Benefit	\$3.51	\$3.51	100.00%
1	97158	**	HM	0-20		Not a Benefit	Not a Benefit	\$2.81	\$2.81	100.00%
1	99366	**		0-20	N	Not a Benefit	Not a Benefit	\$9.54	\$9.54	100.00%
1	99366	**		0-20	F	Not a Benefit	Not a Benefit	\$8.98	\$8.98	100.00%

*Type of Service (TOS)							
1 Medical Services							
Modifier							
но нм	Licensed behavior analyst						
HM Licensed assistant behavioral analyst							



Services

HHSC Public Rate Hearing

Biennial Calendar Fee Review, Policy Updates, and Quarterly Healthcare Common Procedure Coding System (HCPCS) updates

- Friday, November 19, 2021
- Hearing begins at 1:00 PM
- Testimony related to updates to Medicaid Reimbursement rates and Revenue Codes
- Proposed Effective date: March 1, 2022, except as noted
- . Briefing Packets can be found at: https://pfd.hhs.texas.gov/rate-packets
- ESRD packet removed revenue codes 0634, 0635 and 0636 from being end dated.
 No action is being taken on these revenue codes.
- Questions and comments may be sent to: <u>PFD_Hospitals@hhsc.state.bx.us</u> for ESRD revenue codes and <u>PFDAcuteCare@hhs.texas.gov</u> for all other rates.

						Autism	Services					
TOS*	Procedure Code	Modifier**	Age Range	Non-Facilit y (N)/ Facility (F)	Medicaid Fee Effective 2/1/2022	Percent Reduction	Adjusted Medicaid Fee Effective 2/1/2022	Medicaid RVU Effective 3/1/2022	Medicaid Conversion Factor Effective 3/1/2022	Medicaid Fee Effective 3/1/2022	Percent Reduction	Adjusted Medicaid Fee Effective 3/1/2022
1	97151	НО	0-20		\$24.71	0.00%	\$24.71			\$24.71	0.00%	\$24.71
1	97153		0-20		\$7.58	0.00%	\$7.58			\$11.25	0.00%	\$11.25
1	97154		0-20		\$1.26	0.00%	\$1.26			\$1.88	0.00%	\$1.88
1	97155	НО	0-20		\$21.06	0.00%	\$21.06			\$21.06	0.00%	\$21.06
1	97155	HN	0-20		\$16.85	0.00%	\$16.85			\$16.85	0.00%	\$16.85
1	97156	НО	0-20		\$20.00	0.00%	\$20.00			\$20.00	0.00%	\$20.00
1	97156	HN	0-20		\$16.00	0.00%	\$16.00			\$16.00	0.00%	\$16.00
1	97158	НО	0-20		\$3.51	0.00%	\$3.51			\$3.51	0.00%	\$3.51
1	97158	HN	0-20		\$2.81	0.00%	\$2.81			\$2.81	0.00%	\$2.81
1	99366		0-20	N	\$9.54	0.00%	\$9.54	0.34	\$28.0672	\$9.54	0.00%	\$9.54
1	99366		0-20	F	\$8.98	0.00%	\$8.98	0.32	\$28.0672	\$8.98	0.00%	\$8.98

*Type of Service (TOS): 1 = Medical Services

*Modifier: HO = Licensed Behavior Analyst, HN = Licensed Assistant Behavioral Analyst

Education & Public Policy Initiatives



ABA in the Treatment of Autism Spectrum Disorder Policy Council for Children and Families: November 30, 2021

Rany Thommen, M.Ed., BCBA, LBA President, Texas Association for Behavior Analyst Public Policy Group





Presentation: Applied Behavioral Analysis in the **Treatment of Autism Spectrum Disorder**

November 30, 2021

TEXAS Health and Human Services

TEXAS MEDICAID ABA SERVICES PROVIDER WEBINAR

Friday, October 29th 12:00 PM - 1:00 PM CDT

https://us02web.zoom.us/webinar/register/WN_yo7hiv-BOrKT970F-JAUlA

https://forms.office.com/r/PKFGYx8tvz



TXABA PUBLIC POLICY **GROUP PRESENTS:**

MEDICAID

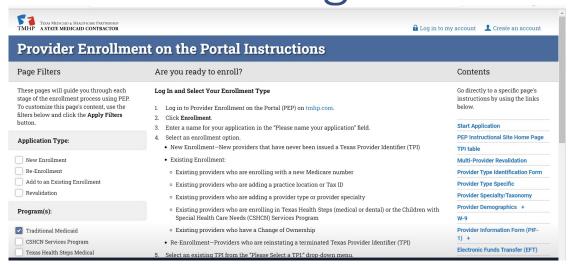
Join us via zoom using the link provided in this post. TxABA PPG Officers will provide an update for families on the status of rolling out Medicaid ABA benefits. Q&A to follow time permittina.

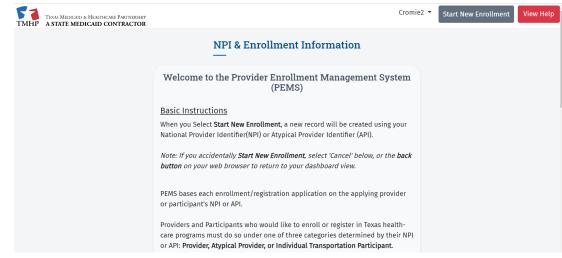
DECEMBER 07, 1:00-2:00PM

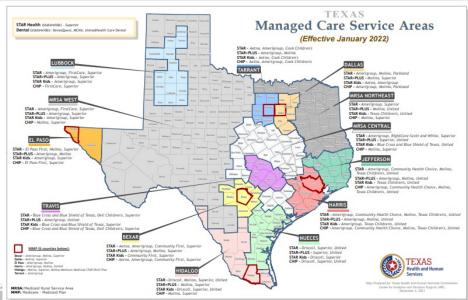




Provider Enrollment, Contracting & Credentialing



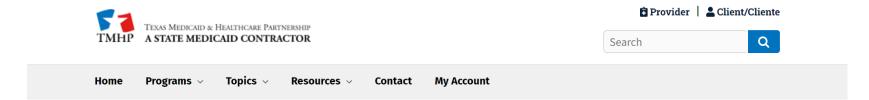




The hard work should be done...



Challenge #1- TMHP



Beginning July 30, 2021, Licensed Behavior Analyst Providers Can Submit Texas Medicaid Enrollment Applications

Last updated on 7/13/2021



PEMS Versus PEP – The Differences Explained

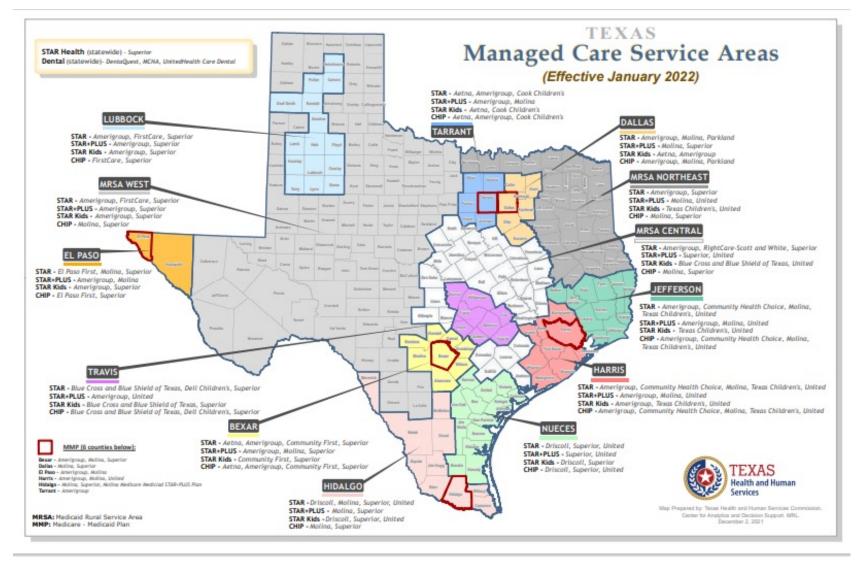
December 9, 2021

The Provider Enrollment and Management System is coming soon. Provider enrollment functions will be available through PEMS. Providers must use the new system to enroll in Texas Medicaid starting Dec. 13, 2021. The new system will be the single tool for:

- Provider enrollment
- Reenrollment
- Revalidation
- Maintenance requests including maintaining and updating provider enrollment record information

Review the YouTube video, PEMS: Provider Enrollment and Management System which compares PEMS and PEP.

Challenge #2- MCOs



Challenge #3- No one is following the rules

Optum - Provider Express Home > Clinical Resources > Applied Behavior Analysis Information > Texas Medicaid ABA Program

Texas Medicaid ABA Program

UnitedHealthcare Community Plan Texas, is one of the selected managed care plans providing coverage to Texas Medicaid enrollees. Optum has been selected by UnitedHealthcare Community Plan to develop and manage the ABA network for Texas Medicaid members, effective February 1, 2022.

To assist you in your participation in this program, learn more about the process for applying to the network, and the clinical protocols required in this unique network, please review the resource materials below.

- Texas Medicaid ABA Provider Orientation
- Texas Medicaid ABA Quick Reference Guide
- ABA Treatment Request Form Electronic Submission (Treatment Requests can also be faxed to 1-877-217-6068)
- Member Attendance Log sample
- Parent Attendance Log sample



- ▶ Handbooks
- ▶ State-, Plan- & EAP-Specific Information
- **▶** Provider Focus
- ▶ Spotlight

For the latest information on flexibilities and extensions due to COVID-19, refer to the Texas Medicaid & Healthcare Partnership and Texas Health and Human Services Commission websites.

Crisis line for individuals impacted by Texas school shooting

Magellan offers a complimentary 24-hour crisis line for individuals impacted by the elementary school shooting that occurred in Uvalde, Texas on May 24. The toll-free number to access free, confidential consultation services is 1-800-327-7451. In addition, PsychHub has created a publicly accessible trauma response toolkit you may wish to share with your patients.

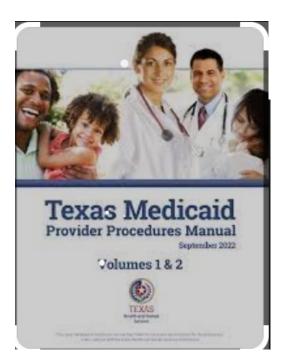
Plan-specific information

Blue Cross and Blue Shield of Texas

- BCBS TX Medicaid Provider Handbook Supplement (PDF)
- BCBS TX Provider Quick Reference Guide (PDF)
- Texas STAR Kids
- Texas Standard Prior Authorization Request Form for Health Care Services
- For Texas Medicaid ABA resources, sign in to this website.

Dell Children's Health Plan

- DCHP TX Medicaid Provider Handbook Supplement (PDF)
- DCHP Provider Quick Reference Guide (PDF)
- Texas Standard Prior Authorization Request Form for Health Care Services
- . For Texas Medicaid specific ABA resources, sign in to this website.



Challenge #4- Inaccuracies

CCP Prior Authorization Request Form

Submit your prior authorization using TMHP's PA on the Portal and receive request decisions more quickly than faxed requests. With PA on the Portal, documents will be immediately received by the PA Department, resulting in a quicker decision. Fax requests must be scanned and data entered before the PA Department receives them, which can take up to 24 hours. To access PA on the Portal, go to www.tmhp.com and select "Prior Authorization" from the Topics drop-down menu. Then click the PA on the Portal button and enter your TMHP Portal Account user name and password. To submit by fax, send to 512-514-4212.

Note: If any portion of this form is incomplete, it may result in your prior authorization request being pended for additional information.



Texas Standard Prior Authorization Request Form for Health Care Services

NOFR001 | 0115 Texas Department of Insurance

Please read all instructions below before completing this form.

Please send this request to the issuer from whom you are seeking authorization. <u>Do not send this form</u> to the Texas Department of Insurance, the Texas Health and Human Services Commission, or the patient's or subscriber's employer.



2.3.11.2 ABA Initial Evaluation

To request prior authorization for an ABA initial evaluation, LBAs or prescribing providers must submit the following:

- Documentation of comprehensive diagnostic assessment or reconfirmation of diagnosis for ASD signed and dated by the diagnosing physician and dated within 3 years prior to the date that the PA request for ABA initial evaluation is received.
- A completed CCP Prior Authorization Request Form, signed and dated by a prescribing provider within 60 calendar days prior to or on the anticipated evaluation date requested.
 - The authorization for the initial ABA evaluation (procedure code 97151) is valid for 60 days from the requested evaluation date.
 - When the request for prior authorization is signed and dated after the requested evaluation date, dates of service prior to the prescribing provider's signature date will be denied.

A request for prior authorization for an ABA initial evaluation must be submitted within 60 days prior to or on the requested evaluation date.

When the request for prior authorization is submitted after the requested evaluation date, dates of service prior to the receive date will be denied.

Department of Assistive & Rehabilitative Services Program Transition

June 13, 2016

Beginning Sept. 1, 2016, the state agency known as the Department of Assistive and Rehabilitative Services (DARS) will be dissolved and several of its programs will be transferred to the Texas Workforce Commission (TWC).

Children's Autism Program (CAP)

Challenge #5- Educating LBAs, Diagnosing Providers & Families

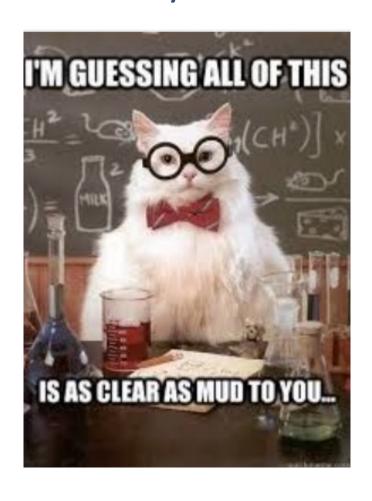
Diagnosis of ASD may be made by any one of the following providers:

- · A developmental pediatrician
- A neurologist
- A psychiatrist
- · A licensed psychologist
- An interdisciplinary team composed of a physician, physician assistant (PA), or nurse practitioner
 in consultation with one or more providers who are qualified child specialists, have expertise in
 autism, and are in one of the following disciplines:
 - · Any provider listed above
 - · Licensed clinical social worker
 - Licensed professional counselor
 - · Licensed psychological associate
 - · Licensed specialist in school psychology
 - Occupational therapist (OT)
 - Speech-language pathologist (SLP)

Table: Severity levels for autism spectrum disorder

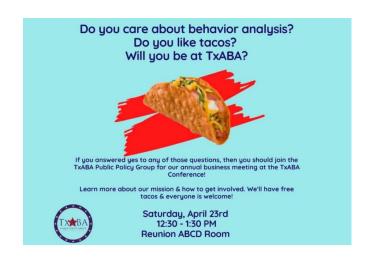
	Severity evel	Social communication	Restricted, repetitive behaviors
\ S	evel 3 Requiring ery substantial support"	Severe deficits in verbal and nonverbal social communication skills cause severe impairments in functioning, very limited initiation of social interactions, and minimal response to social overtures from others. For example, a person with few words of intelligible speech who rarely initiates interaction and, when he or she does, makes unusual approaches to meet needs only and responds to only very direct social approaches	Inflexibility of behavior, extreme difficulty coping with change, or other restricted/repetitive behaviors markedly interfere with functioning in all spheres. Great distress/difficulty changing focus or action.
5	evel 2 Requiring substantial support"	Marked deficits in verbal and nonverbal social communication skills; social impairments apparent even with supports in place; limited initiation of social interactions; and reduced or abnormal responses to social overtures from others. For example, a person who speaks simple sentences, whose interaction is limited to narrow special interests, and how has markedly odd nonverbal communication.	Inflexibility of behavior, difficulty coping with change, or other restricted/repetitive behaviors appear frequently enough to be obvious to the casual observer and interfere with functioning in a variety of contexts. Distress and/or difficulty changing focus or action.
	.evel 1 Requiring support"	Without supports in place, deficits in social communication cause noticeable impairments. Difficulty initiating social interactions, and clear examples of atypical or unsuccessful response to social overtures of others. May appear to have decreased interest in social interactions. For example, a person who is able to speak in full sentences and engages in communication but whose to- and-fro conversation with others fails, and whose attempts to make friends are odd and typically unsuccessful.	Inflexibility of behavior causes significant interference with functioning in one or more contexts. Difficulty switching between activities. Problems of organization and planning hamper independence.

Challenge #6- No one seems to know exactly what they want





Need for Continued Advocacy, Education & Involvement





Advance Registration Required







Policy Council for Children and Families (PCCF)

June 8, 2022 Full Committee Meeting 9:00 AM



What's next









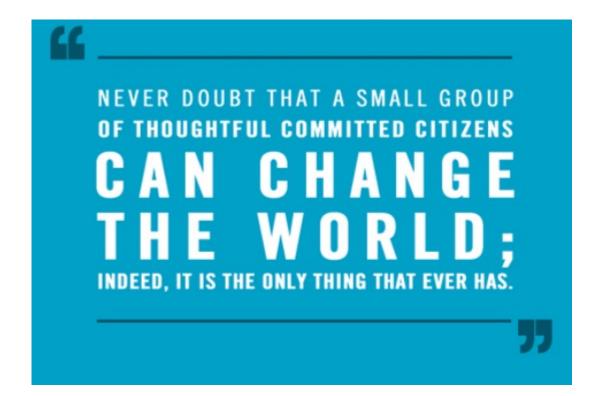


Mild

Moderate

Severe

Get Involved



Policymakers Traditional Judicial The Business Traditional Judicial Management Action and Policy Pol

