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State Name: Virginia

State Plan Amendment (SPA) #: 19-002

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Approved CMS-179
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
801 Market Street, Suite 9400
Philadelphia, Pennsylvania 19107



Regional Operations Group

SWIFT #031220194050

April 11, 2019

Jennifer S. Lee, M.D., Director
Department of Medical Assistance Services
600 East Broad Street, Suite 1300
Richmond, VA 23219

Dear Dr. Lee:

The Centers for Medicare & Medicaid Services (CMS) has reviewed Virginia's State Plan Amendment (SPA) 19-002, Therapeutic Group Home Staff Requirements. The purpose of this SPA is to update DMAS wording to align with the Department of Behavioral Health and Developmental Services requirements for services provided in Therapeutic Group Homes by non-licensed and non-registered staff.

This SPA is acceptable. Therefore, we are approving SPA 19-002 with an effective date of January 1, 2019. Enclosed are the approved SPA pages and signed CMS-179 form.

If you have further questions about this SPA, please contact Margaret Kosherzenko of my staff at 215-861-4288.

Sincerely,

/S/

Sabrina Tillman-Boyd
Acting Deputy Director
Eastern Regional Operations Group

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

1 9 — 0 0 2

2. STATE

Virginia

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL
SECURITY ACT (MEDICAID)

4. PROPOSED EFFECTIVE DATE

January 1, 2019

10. REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES5. TYPE OF PLAN MATERIAL (*Check One*)☐ NEW STATE PLAN ☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN ☒ AMENDMENTCOMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate transmittal for each amendment*)

6. FEDERAL STATUTE/REGULATION CITATION

42 CFR Part 440

7. FEDERAL BUDGET IMPACT

a. FFY 2019 \$ -0-
b. FFY 2020 \$ -0-

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A&B, Supplement 1, pages
6.01, 6.2, 6.2a, 6.3, 29.0.1, 30, 31, 31.1, 31.29. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (*If Applicable*)

Same Pages

10. SUBJECT OF AMENDMENT

Therapeutic Group Home Staff Requirements

11. GOVERNOR'S REVIEW (*Check One*)☐ GOVERNOR'S OFFICE REPORTED NO COMMENT²⁰¹⁹
☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL☒ OTHER, AS SPECIFIED

Secretary of Health and Human Resources

12. SIGNATURE OF STATE AGENCY OFFICIAL

/S/

13. TYPED NAME

Jennifer S. Lee, M.D.

14. TITLE

Director

15. DATE SUBMITTED

2/28/19

16. RETURN TO

Dept. of Medical Assistance Services
600 East Broad Street, #1300
Richmond VA 23219

Attn: Regulatory Coordinator

FOR REGIONAL OFFICE USE ONLY17. DATE RECEIVED
March 11, 201918. DATE APPROVED
April 10, 2019**PLAN APPROVED - ONE COPY ATTACHED**

19. EFFECTIVE DATE OF APPROVED MATERIAL

January 1, 2019

20. SIGNATURE OF REGIONAL OFFICIAL

/S/

21. TYPED NAME

Sabrina Tillman Boyd

22. TITLE

Acting Director

23. REMARKS

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

NARRATIVE FOR THE AMOUNT, DURATION, AND SCOPE OF SERVICES

E. Community Mental Health Services

1. Staff Qualification Definitions:

“ADL supervisor” means the same as set forth in Attachment 3.1A&B, Supplement 1, page 30.

“ADL technician” means the same as set forth in Attachment 3.1A&B, Supplement 1, page 30.

“Licensed Mental Health Professional” or “LMHP” means the same as set forth in Attachment 3.1A&B, Supplement 1, page 31.

“Licensed Mental Health Professional – Resident” or “LMHP-R” means the same as “Licensed Mental Health Professional – Eligible” in Attachment 3.1 A&B, Supplement 1, Page 31.

“Licensed Mental Health Professional – Resident in Psychology” or “LMHP-RP” means the same as “Licensed Mental Health Professional – Eligible” in Attachment 3.1 A&B, Supplement 1, Page 31.

“Licensed Mental Health Professional –Supervisee” or “LMHP-S” means the same as “Licensed Mental Health Professional – Eligible” in Attachment 3.1 A&B, Supplement 1, Page 31.

“QMHP-C” means the same as “Qualified Mental Health Professional” in Attachment 3.1A&B, Supplement 1, page 31.2.

“QMHP-E” means the same as “Qualified Mental Health Professional – Eligible” in Attachment 3.1A&B, Supplement 1, page 31.3.

“QPPMH” means the same as “Qualified Paraprofessional in Mental Health” in Attachment 3.1A&B, Supplement 1, page 31.2.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State of VIRGINIA

**AMOUNT, DURATION, AND SCOPE OF MEDICAL
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY
and MEDICALLY NEEDY**

F. Therapeutic Group Home Services

Service Definition: Therapeutic group home services for children and adolescents younger than the age of 21 years shall provide therapeutic services to restore appropriate skills necessary to promote prosocial behavior and healthy living to include the restoration of coping skills, family living and health awareness, interpersonal skills, communication skills, and stress management skills. Therapeutic services also engage families and reflect family-driven practices that correlate to sustained positive outcomes post-discharge for youth and their family members. Each component of therapeutic group home services is provided for the direct benefit of the beneficiary, in accordance with the individual's needs and treatment goals identified in the individual's plan of care, and for the purpose of assisting in the individual's recovery. These services are provided under 42 CFR 440.130(d) in accordance with the rehabilitative services benefit.

<i>Service Component Definitions – Therapeutic Group Homes</i>	<i>Staff That Provide Service Components*</i>
Each component of therapeutic group home services is provided for the direct benefit of the beneficiary individual, in accordance with the individual's needs and treatment goals identified in the individual's plan of care and for the purpose of assisting in the individual's recovery.	
Assessment: the face-to-face interaction in which the provider obtains information from the child or adolescent, and parent, guardian, or other family member or members, as appropriate, about the child's or adolescent's mental health status. It includes documented history of the severity, intensity, and duration of mental health problems and behavioral and emotional issues.	LMHP LMHP-S LMHP-R LMHP-RP
Treatment Planning: development of a person-centered plan of care that is specific to the individual's unique treatment needs and acuity levels and includes: (a) individual and family strengths and personal traits that would facilitate recovery and opportunities to develop motivational strategies and treatment alliance; (b) diagnoses, symptoms, complaints, and complications indicating the need for admission; (c) a description of the functional level of the individual; (d) treatment objectives with short-term and long-term goals; (e) orders for medications, psychiatric, medical, dental and any special healthcare needs whether or not provided in the group home, treatments, restorative and rehabilitative services, activities, therapies, therapeutic passes, social services, community integration, diet, and special procedures recommended for the health and safety of the individual; (f) plans for continuing care, including review and modification to the plan of care; and (g) plans for discharge.	LMHP LMHP-S LMHP-R LMHP-RP

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Crisis Management: activities and interventions designed to rapidly manage a crisis. The activities and interventions include behavioral health care to provide immediate assistance to individuals experiencing acute behavioral health problems that require immediate intervention to stabilize and prevent harm and higher level of acuity. Activities shall include assessment and short term counseling designed to stabilize the individual. Individuals will be referred to long term services once crisis has been stabilized.	LMHP LMHP-S LMHP-R LMHP-RP
Individual and Group Therapy: application of principles, standards, and methods of the counseling profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating plans of care using treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.	LMHP LMHP-S LMHP-R LMHP-RP
Family Therapy: counseling services involving the child's family and significant others to advance the treatment goals, when (1) the counseling with the family member and significant others is for the direct benefit of the beneficiary, (2) the counseling is not aimed at addressing treatment needs of the beneficiary's family or significant others, and (3) the beneficiary is present except when it is clinically appropriate for the beneficiary to be absent in order to advance the beneficiary's treatment goals. Family therapy shall be aligned with the goals of the child's plan of care. All family therapy services furnished are for the direct benefit of the beneficiary, in accordance with the beneficiary's needs and treatment goals identified in the beneficiary's plan of care, and for the purpose of assisting in the beneficiary's recovery.	LMHP LMHP-S LMHP-R LMHP-RP
Skills Restoration: Skills restoration is a face-to-face service to assist beneficiaries in the restoration of lost skills that are necessary to achieve the goals established in the beneficiary's plan of care. Services include assisting the beneficiary in restoring self- management, interpersonal, communication, and problem solving skills through modeling, coaching, and cueing.	LMHP, LMHP-R, LMHP-RP, LMHP-S, QMHP-C, QMHP-E, or a QPPMH under the supervision of a QMHP-C.
Activities of Daily Living (ADL) Restoration: ADL restoration is a face-to-face interaction provided on an individual and group basis to assist beneficiaries in the restoration of lost ADL skills that are necessary to achieve the goals established in the beneficiary's plan of care. ADL Restoration restores and strengthens the beneficiaries' personal skills to complete ADLs themselves. Services address performance deficits related to a lack of physical, cognitive or psychosocial skills which hinder the ability of the beneficiary to complete ADLs. Services include (i) restoring acceptable habits, behaviors and attitudes related to daily health activities and personal care/hygiene and (ii) assisting the beneficiary restoring and regaining functional ADL skills and appropriate behavior related to health and safety.	LMHP, LMHP-R, LMHP-RP, LMHP-S, or QMHP-C. QMHP-E, QPPMH, ADL supervisor or ADL technician under the supervision of a QMHP-C or higher.

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*Provider qualifications are defined in Attachment 3.1 A&B, Supplement 1, pages 31 through 31.3.
Limits:

1. Service authorization shall be required.
2. Individuals under 21 years of age qualifying under EPSDT may receive the services described in excess of any service limit, if services are determined to be medically necessary.
3. At least fifty percent of direct care staff must meet a minimum of QPPMH criteria.

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NARRATIVE FOR THE AMOUNT, DURATION, AND SCOPE OF SERVICES

- b. There is limited motivation on the part of the individual or caregiver.
- c. The individual has an unstable condition that affects his or her ability to participate in the rehabilitative plan.
- d. Progress toward an established goal or goals cannot be achieved within a reasonable period of time.
- e. The established goal serves no purpose to increase meaningful functional or cognitive capabilities.
- f. The service can be provided by someone other than a skilled rehabilitation professional.

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Community mental health services. (12 VAC 30-50-226)

Definitions. The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

“ADL supervisor” means an employee with a baccalaureate degree in social work or psychology and two years of professional experience working with children, one year of which must have been in a residential facility for children; or a high school diploma or General Education Development Certificate (G.E.D.) and a minimum of five years professional experience working with children, with at least two years in a residential facility for children; ADL supervisors shall work under supervision of the Program Director who is minimum of QMHP-C.

“ADL technician” means an employee at least 21 years of age who has a baccalaureate degree in human services; has an associate’s degree and three months experience working with children; or is a high school graduate or has a G.E.D. and has six months of experience working with children. A trainee with a high school diploma or a G.E.D may gain experience working with children by working directly alongside a staff member who is, at a minimum, an ADL technician with at least one year of professional experience with children. These trainees must be within sight and sound of the supervising staff member and may not work alone. ADL technicians must be supervised by an ADL supervisor, QMHP-C, LMHP, LMHP-R, LMHP-RP or LMHP-S.

"Certified pre-screener" means an employee of the local community services board or its designee who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by DBHDS.

“Clinical experience" for Mental Health Therapeutic Day Treatment/Partial Hospitalization, Intensive Community Treatment, Psychosocial Rehabilitation, Mental Health Support, Crisis Stabilization, and Crisis Intervention means practical experience in providing direct services to individuals with mental illness or mental retardation or the provision of direct geriatric services or special education services. Experience may include supervised internships, practicums, and field experience.

"Clinical experience for Intensive In-Home, Therapeutic Day Treatment for Children and Adolescents, and Therapeutic Group Home Behavioral Services means providing direct clinical services to children and adolescents with mental illness. It includes supervised internships, practicums, and field experience.

"Code" means the Code of Virginia.

"DMAS" means the Department of Medical Assistance Services consistent with the Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"DBHDS" means Department of Behavioral Health and Developmental Services, consistent with the Chapter 1 (§37.1-39 et seq.) of Title 37.1 of the Code of Virginia.

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"Human services field" means the same as defined by the Department of Health Professions in the document entitled Approved Degrees in Human Services and Related Fields for QMHP Registration, issued November 3, 2017, revised February 9, 2018.

"Individual" means the client or recipient of services described in Attachment 1.1-A&B, pages 30 through 31.10 (12VAC30-50-226).

"Individual service plan" or "ISP" means a comprehensive and regularly updated treatment plan specific to the individual's unique treatment needs as identified in the clinical assessment. The ISP contains his treatment or training needs, his goals and measurable objectives to meet the identified needs, services to be provided with the recommended frequency to accomplish the measurable goals and objectives, the estimated timetable for achieving the goals and objectives, and an individualized discharge plan that describes transition to other appropriate services. The individual shall be included in the development of the ISP and the ISP shall be signed by the individual. If the individual is a child, the ISP shall also be signed by the individual's parent/legal guardian. Documentation shall be provided if the individual, who is a child or an adult who lacks legal capacity, is unable or unwilling to sign the ISP.

"LMHP" or "licensed mental health professional" means a licensed physician, licensed clinical psychologist, licensed professional counselor, licensed clinical social worker, licensed substance abuse Treatment practitioner, licensed marriage and family therapist, licensed psychiatric/mental health nurse practitioner, licensed behavior analyst or certified psychiatric clinical nurse specialist.

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"LMHP-Rs" or "LMHP-residents" are registered with the Virginia Board of Counseling and in the process of obtaining licensure in accordance with state law. Only a Licensed Substance Abuse Treatment Practitioner, Licensed Marriage and Family Therapist, or Licensed Professional Counselor who is fully licensed by the Board of Counseling may supervise LMHP-Rs.

"LMHP-RPs" or "LMHP-residents in psychology" are registered with the Virginia Board of Psychology and in the process of obtaining licensure in accordance with state law. Only a Licensed Clinical Psychologist who is fully licensed by the Board of Psychology may supervise LMHP-RPs.

"LMHP-Ss" or "LMHP-supervisees in social work," or "LMHP-supervisees," are registered with the Virginia Board of Social Work and in the process of obtaining licensure in accordance with state law. Only a Licensed Clinical Social Worker who is fully licensed by the Board of Social Work may supervise LMHP-Ss.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

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"QMHP-A" or "Qualified mental health professional-adult" is trained and experienced in providing mental health services to adults who have a mental illness. A QMHP-A must: (i) have a master's degree in psychology, social work, counseling, substance abuse, or marriage and family therapy from an accredited college or university with an internship or practicum of at least 500 hours of experience with persons who have mental illness; (ii) have a master's or bachelor's degree in human services or a related field from an accredited college with no less than 1,500 hours of supervised experience to be obtained within a five-year period immediately preceding application for registration; (iii) have a bachelor's degree from an accredited college in an unrelated field that includes 15 semester credits or 22 quarter hour in a human services field with no less than 3,000 hours of supervised experience to be obtained within a five-year period immediately preceding application for registration; (iv) be a registered nurse licensed in Virginia with no less than 1,500 hours of supervised experience to be obtained within a five-year period immediately preceding application for registration; (v) be a licensed occupational therapist with no less than 1,500 hours of supervised experience to be obtained within a five-year period immediately preceding application for registration. A QMHP-A must work under the supervision of a LMHP, LMHP-S, LMHP-R or LMHP-RP and shall be registered in accordance with state law.

"QMHP-C" or "Qualified mental health professional-child" means a registered QMHP who is trained and experienced in providing mental health services to children or adolescents who have a mental illness. QMHP-Cs must: (i) have a master's degree in psychology, social work, counseling, substance abuse, or marriage and family therapy from an accredited college or university with an internship or practicum of at least 500 hours of experience with persons who have mental illness; (ii) have a master's or bachelor's degree in human services or in special education from an accredited college with no less than 1,500 hours of supervised experience to be obtained within a five-year period immediately preceding application for registration; (iii) be a registered nurse licensed in Virginia with no less than 1,500 hours of supervised experience to be obtained within a five-year period immediately preceding application for registration; (iv) be a licensed occupational therapist with no less than 1,500 hours of supervised experience to be obtained within a five-year period immediately preceding application for registration. A QMHP-C must work under the supervision of a LMHP, LMHP-S, LMHP-R or LMHP-RP and shall be registered in accordance with state law.

"QMHP-E" or "Qualified mental health professional-eligible" means a person who meets the education requirements of either a QMHP-C or QMHP-A and who is receiving supervised training in order to qualify as a QMHP-C or QMHP-A. A QMHP-E must work under the supervision of a QMHP-A, QMHP-C, LMHP, LMHP-S, LMHP-R or LMHP-RP and shall be registered in accordance with state law.

"QPPMH" or "qualified paraprofessional in mental health" means a person who must, at a minimum, meet one of the following criteria: (i) registered with the United States Psychiatric Association (USPRA) as an Associate Psychiatric Rehabilitation Provider (APRP); (ii) has an associate's degree in a related field (social work, psychology, psychiatric rehabilitation, sociology, counseling, vocational rehabilitation; human services counseling) and at least one year of experience providing direct services to individuals with a diagnosis of mental illness; (iii) licensed as an occupational therapy assistant and supervised by a licensed occupational therapist, with at least one year of experience providing direct services to individuals with a diagnosis of mental illness; or (iv) has a minimum of 90 hours classroom training and 12 weeks of experience under the direct personal supervision of a QMHP-Adult providing services to individuals with mental illness and at least one year of experience (including the 12 weeks of supervised experience). A QPPMH must work under the supervision of a QMHP-A, QMHP-C, LMHP, LMHP-S, LMHP-R or LMHP-RP.

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