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State/Territory Name: Vermont

State Plan Amendment (SPA) #: 15-0001

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) HCFA 179 Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
JFK Federal Building, Government Center
Room 2275
Boston, Massachusetts 02203



Division of Medicaid and Children's Health Operations / Boston Regional Office

February 9, 2016

Hal Cohen, Secretary
Vermont Agency of Human Services
208 Hurricane Lane, Suite 103
Williston, Vermont 05495

Dear Secretary Cohen:

We are pleased to enclose a copy of Vermont's approved State plan amendment (SPA) No. 15-0001 with an effective date of July 1, 2015, as requested by your Agency.

This SPA amended your Title XIX State plan to allow Licensed Behavior Analysts (BAs), Licensed Assistant Behavior Analysts (ABAs) and Behavior Technicians to provide services to treat autism spectrum disorder, and for BAs and ABAs to bill directly for these services.

Enclosed are the following pages to be incorporated within your State plan:

- Attachment 3.1-A, pages 3d(1) & 3d(2)
- Attachment 4.19-B, page 3a

If there are questions, please contact Tom Schenck at (617) 565-1325, or tom.schenck@cms.hhs.gov.

Sincerely,



Richard R. McGreal
Associate Regional Administrator

Enclosure

cc: Steven Costantino, Commissioner
Dylan Frazer, Health Programs Administrator, Policy Unit
Ashley Berliner, Director of Healthcare Policy and Planning

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES		1. TRANSMITTAL NUMBER: 15 - 001	2. STATE: VERMONT
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
5. TYPE OF PLAN MATERIAL (CHECK ONE): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)		4. PROPOSED EFFECTIVE DATE(S) JULY 1, 2015	
6. FEDERAL STATUTE/REGULATION CITATION: 42 CFR §430.12(c)(1)(ii)	7. FEDERAL BUDGET IMPACT: a. FFY 2015 \$ 737,295.00 b. FFY 2016 \$ 2,856,837.00		
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: ATT. 3.1-A PG 3D(1); ATT. 4.19-B PG 3A; [REDACTED] Att. 3.1-A p. 3d(2)	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>) ATT. 4.19-B PG 3A		
10. SUBJECT OF AMENDMENT: LICENSED BEHAVIOR ANALYST SERVICES			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL		<input checked="" type="checkbox"/> OTHER, AS SPECIFIED SIGNATURE OF SECRETARY OF ADMINISTRATION [REDACTED]	
12. SIGNATURE OF STATE AGENCY OFFICIAL: [REDACTED]	16. RETURN TO: LINDSAY PARKER AGENCY OF HUMAN SERVICES 208 HURRICANE LANE WILLISTON, VT 05495		
13. TYPED NAME: HAL COHEN	14. TITLE: SECRETARY, AGENCY OF HUMAN SERVICES		
15. DATE SUBMITTED: September 3, 2015		17. DATE RECEIVED: September 3, 2015	
FOR REGIONAL OFFICE USE ONLY			
19. EFFECTIVE DATE OF APPROVED MATERIAL: July 1, 2015		18. DATE APPROVED: 2/9/2016	
PLAN APPROVED - ONE COPY ATTACHED			
21. TYPED NAME: Richard R. McGreal		20. SIGNATURE OF REGIONAL OFFICIAL: [REDACTED]	
23. REMARKS Pen and Ink change box 8		22. TITLE Associate Regional Administrator	

ITEM 6. MEDICAL CARE AND ANY OTHER OF REMEDIAL CARE RECOGNIZED UNDER STATE LAW, FURNISHED BY LICENSED PRACTITIONERS WITHIN THE SCOPE OF THEIR PRACTICE AS DEFINED BY STATE LAW (continued)

D. Other Practitioners' Services

6. Licensed Applied Behavior Analyst Services

Services are furnished by a Licensed Applied Behavior Analyst within the scope of practice as defined by state law and reviewed and accepted by the State of Vermont, Office of Professional Regulation (OPR), and are services covered by Medicaid. Consistent with state law, Behavior Analysts will oversee the supervision of Licensed Assistant Behavior Analysts and Behavior Technicians (BTs), and shall bill and assume professional responsibility for the services rendered by an unlicensed provider under their supervision. All services must be medically necessary, prior authorized by the Medicaid program, and delivered in accordance with the recipient's treatment plan.

a) Licensed Applied Behavior Analysts authorized to enroll in Vermont Medicaid must meet all of the following requirements:

1. Minimum of a master's degree in behavior analysis or related field such as: education, psychology, special education, counseling or social work.
2. Certification by the Behavior Analysts Certification Board (BACB) as a Board Certified Behavior Analyst (BCBA).
3. Must meet all necessary requirements under Section 6401 of the Affordable Care Act of 2010.
4. Must be covered by professional liability insurance.
5. Have an approved background check.
6. Have no active sanctions or disciplinary actions on their Vermont Behavior Analysts' licensure.
7. Have no Medicare/Medicaid sanctions or federal exclusion.

Applied Behavior Analysts may also receive Vermont licensure by endorsement as defined in 3 V.S.A. § 4923.

b) Licensed Assistant Behavior Analysts authorized to enroll in Vermont Medicaid must meet all of the following requirements:

1. Must practice under and be supervised by a State of Vermont Licensed Behavior Analyst.
2. Certification by the BACB as a BCaBA.
3. Minimum of a bachelor's degree in behavior analysis or related field, such as education, psychology, special education, counseling or social work.
4. Have an approved background check.

Assistant Behavior Analysts may also receive Vermont licensure by endorsement as defined in 3 V.S.A. § 4923.

ITEM 6. MEDICAL CARE AND ANY OTHER OF REMEDIAL CARE RECOGNIZED UNDER STATE LAW, FURNISHED BY LICENSED PRACTITIONERS WITHIN THE SCOPE OF THEIR PRACTICE AS DEFINED BY STATE LAW (continued)

- c) BTs authorized to provide applied behavior analysis (ABA) services reimbursed by Vermont Medicaid must meet all of the following requirements:
 - 1. Must practice under and be supervised by a State of Vermont Licensed Applied Behavior Analyst.
 - 2. Have a bachelor's degree, or be actively pursuing a bachelor's degree, preferably in human services field. Relevant experience may be exchanged for a degree.
 - 3. Have an approved background check, which must include the following:
 - i. A Vermont criminal record check obtained through the Vermont Crime Information Center (VCIC). A state record check includes the sex offender registry.
 - ii. A candidate who is not a Vermont resident or has been a Vermont resident for less than five years is required to have a National criminal records check, which is obtained from the FBI through the VCIC.
 - iii. Vermont Abuse Registry checks (both Child Abuse Registry and Adult Abuse Registry).
 - 4. Documentation of receiving the required trainings listed below prior to providing services:
 - i. At least 40 hours of training in the implementation of ABA, to include a minimum of three hours of ASD specific training and a minimum of three hours of ethics and professional conduct specific training.
 - ii. Current First Aid Certification (must be renewed at least every three years).
 - iii. Universal Precautions.
 - iv. Current CPR Certification (must be renewed annually).
 - v. Confidentiality and compliance with Health Insurance Portability and Accountability Act (HIPPA).
 - vi. Abuse and Neglect reporting.
- d) Limitations to hours of treatment:
 - 1. Applied Behavior Analyst: No more than four hours per week, following assessment and development of a treatment plan.
 - 2. Assistant Behavior Analyst: No more than four hours per week, following assessment and development of a treatment plan.
 - 3. BT: No more than fifteen hours per week, following the assessment and development of a treatment plan.These limitations can be exceeded for medical necessity.
- e) Per 42 CFR 441, Subpart B, children under age 21 with autism spectrum disorders receive all medically necessary services to address their needs and are not limited to the services of a Licensed Behavior Analyst.

METHODS AND STANDARDS OF ESTABLISHING PAYMENT RATES - OTHER MEDICAL CARE
(Continued)

6. d. Other Practitioners Services

1. Behavioral Health Services

Payment is made at the lower of the actual charge or the Medicaid rate on file. For services payable in Medicare's Resource Based Relative Values Scale payment methodology, the DVHA is utilizing the Medicare RBRVS RVUs, the Medicare GPCIs and State determined conversion factors as specified in Section 26. The RBRVS methodology was updated for dates of service effective as specified in Section 26 of Attachment 4.19-B. All rates are published at www.dvha.vermont.gov/for-providers. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both governmental and private.

2. Opticians' Services

Payment is made at the lower of the actual charge or the Medicaid rate on file. For services payable in Medicare's Resource Based Relative Values Scale payment methodology, the DVHA is utilizing the Medicare RBRVS RVUs, the Medicare GPCIs and State determined conversion factors as specified in Section 26. The RBRVS methodology was updated for dates of service effective as specified in Section 26 of Attachment 4.19-B. All rates are published at www.dvha.vermont.gov/for-providers. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both governmental and private.

3. High-Tech Nursing Services

Payment is made at the lower of the actual charge or the Medicaid rate on file. For services payable in Medicare's Resource Based Relative Values Scale payment methodology, the DVHA is utilizing the Medicare RBRVS RVUs, the Medicare GPCIs and State determined conversion factors as specified in Section 26. The RBRVS methodology was updated for dates of service effective as specified in Section 26 of Attachment 4.19-B. All rates are published at www.dvha.vermont.gov/for-providers. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both governmental and private.

4. Licensed Lay Midwife Services

Payment is made at the lower of the actual charge or the Medicaid rate on file. For services payable in Medicare's Resource Based Relative Values Scale payment methodology, the DVHA is utilizing the Medicare RBRVS RVUs, the Medicare GPCIs and State determined conversion factors as specified in Section 26. The RBRVS methodology was updated for dates of service effective as specified in Section 26 of Attachment 4.19-B. All rates are published at www.dvha.vermont.gov/for-providers. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both governmental and private.

5. Naturopathic Physician Services

Payment is made at the lower of actual charge for the service or the Medicaid rate on file. For services payable in Medicare's Resource Based Relative Values Scale payment methodology, the DVHA is utilizing the Medicare RBRVS RVUs, the Medicare GPCIs and State determined conversion factors as specified in Section 26. The RBRVS methodology was updated for dates of service effective as specified in Section 26 of Attachment 4.19-B. All rates are published at www.dvha.vermont.gov/for-providers. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both governmental and private.

6. Licensed Behavior Analysts and Licensed Assistant Behavior Analysts

Payment is made at the lower of the actual charge or the Medicaid rate on file. Rates were set as of 7/1/2015 and are effective for services on or after that date. All rates are published at www.dvha.vermont.gov/for-providers. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both governmental and private providers.