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State/Territory Name: Washington

State Plan Amendment (SPA) #: 17-0024

This file contains the following documents in the order listed:

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

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Seattle Regional Office
701 Fifth Avenue, Suite 1600, MS/RX-200
Seattle, WA 98104



Division of Medicaid & Children's Health Operations

October 11, 2017

MaryAnne Lindeblad, Medicaid Director
Health Care Authority
PO Box 45502
Olympia, WA 98504-5010

RE: Washington State Plan Amendment (SPA) Transmittal Number 17-0024

Dear Ms. Lindeblad:

The Centers for Medicare & Medicaid Services (CMS) has completed its review of State Plan Amendment (SPA) Transmittal Number WA 17-0024. This amendment implemented three new behavior analysis professions and Applied Behavior Analysis (ABA) credentialing in Washington State. It also eliminated the need for ABA providers to practice under a community mental health agency licensed with the Department of Behavioral Health and Recovery, a home health agency or under an outpatient hospital licensed with the Department of Health.

This SPA is approved with an effective date of July 1, 2017.

If there are additional questions, please contact me or your staff may contact Rick Dawson at Rick.Dawson@cms.hhs.gov or (260) 615-2387.

Sincerely,

Digitally signed by David L. Meacham -

A solid black rectangular box used to redact the signature of David L. Meacham.

David L. Meacham
Associate Regional Administrator

cc:
Ann Myers, SPA Coordinator

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**

1. TRANSMITTAL NUMBER:
17-0024

2. STATE
Washington

FOR: HEALTH CARE FINANCING ADMINISTRATION

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

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
July 1, 2017

5. TYPE OF PLAN MATERIAL (Check One):

☐ NEW STATE PLAN

☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN

☒ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:
Section 1905(r) of the Social Security Act

7. FEDERAL BUDGET IMPACT:
a. FFY 2017 \$0
b. FFY 2018 \$0

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

Attachment 3.1-A pages 21, 21a
Attachment 3.1-B page 22

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable)

Attachment 3.1-A pages 21, 21a
Attachment 3.1-B page 22

10. SUBJECT OF AMENDMENT

Applied Behavior Analysis Provider Qualifications

11. GOVERNOR'S REVIEW (Check One):

☐ GOVERNOR'S OFFICE REPORTED NO COMMENT

☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

☒ OTHER, AS SPECIFIED: Exempt

12. SIGNATURE OF STATE AGENCY OFFICIAL:

13. TYPED NAME:
MARYANNE LINDEBLAD

14. TITLE:
MEDICAID DIRECTOR

15. DATE SUBMITTED:

9-27-17

16. RETURN TO:

Ann Myers
Office of Rules and Publications
Division of Legal Services
Health Care Authority
626 8th Ave SE MS: 42716
Olympia, WA 98504-2716

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:

9/27/17

18. DATE APPROVED:

10/11/17

PLAN APPROVED – ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:
7/1/17

20. SIGNATURE

Digitally signed by David L. Meacham -S

21. TYPED NAME:

David L. Meacham

22. TITLE:

Associate Regional Administrator

23. REMARKS:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTONAMOUNT, DURATION, AND SCOPE OF MEDICAL AND REMEDIAL
CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY

6. d. Other practitioners' services (cont.)
- (4) The Medicaid agency does not cover services provided by:
 - Acupuncturists
 - Christian Science practitioners or theological healers
 - Herbalists
 - Homeopathists
 - Masseuses
 - Masseurs
 - Sanipractors
 - (5) Licensed non-nurse midwives
To participate in home births and in birthing centers, midwives must be an agency-approved provider.
 - (6) Psychologists
 - Psychological testing must be medically necessary, prior authorized, in an outpatient setting, and is limited to 2 units per client.
 - Neurobehavioral status examinations require prior authorization.
 - Neuropsychological testing requires prior authorization.
 - Prior authorization is required for additional services that are medically necessary.
 - (7) Intensive behavior services (applied behavior analysis (ABA) (EPSDT only) provided by:
 - A. A lead behavior analysis therapist (LBAT) who under Washington State law is licensed under one of the following provisions:
 - A licensed behavior analyst (LBA) practicing under the scope of state law as defined in Department of Health (DOH) RCW and WAC (may bill independently)
 - A licensed psychiatrist, psychiatric advanced nurse practitioner, psychologist, mental health counselor, marriage or family therapist, or clinical social worker practicing under the scope of state law as defined in DOH RCW and WAC who is licensed as an LBA (may bill independently)
 - A licensed assistant behavior analyst (LABA) practicing under the scope of state law as defined by DOH RCW and WAC and supervised by an LBA practicing under the scope of state law as defined in DOH RCW and WAC (may not bill independently)

Note: When licensed as an LBA, these professionals may supervise other providers, including certified behavior technicians (CBTs), in accordance with their scope of practice in applicable DOH RCW and WAC. All licensed supervising practitioners will bill for services performed by unlicensed practitioners.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTONAMOUNT, DURATION, AND SCOPE OF MEDICAL AND REMEDIAL
CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY

6. d. Other practitioners' services (cont)

- B. A licensed certified behavior technician (CBT) practicing under the scope of state law as defined in DOH RCW and WAC and supervised by an LBAT practicing under the scope of state law as defined in DOH RCW and WAC (may not bill independently)
- C. A licensed psychiatrist, psychiatric advanced nurse practitioner, psychologist, mental health counselor, marriage or family therapist, or clinical social worker practicing under the scope of state law as defined by DOH RCW and attesting to having the training and experience to provide applied behavior analyst services in accordance with state law as defined in WAC (may bill independently)

The State provides assurance that these licensed providers:

- Provide services consistent with §440.60 and the State's Scope of Practice Act.
- Supervise according to the State's Scope of Practice Act for licensed practitioners.
- Assume professional responsibility for the services provided by the unlicensed practitioner

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State WASHINGTONAMOUNT, DURATION, AND SCOPE OF SERVICES PROVIDED TO THE
MEDICALLY NEEDY GROUP(S): ALL

6. d. Other practitioners' services (cont)

(7) Intensive behavior services (applied behavior analysis (ABA)) (EPSDT only) provided by:

A. A lead behavior analysis therapist (LBAT) who under Washington State law is licensed under one of the following provisions:

- A licensed behavior analyst (LBA) practicing under the scope of state law as defined in Department of Health (DOH) RCW and WAC (may bill independently)
- A licensed psychiatrist, psychiatric advanced nurse practitioner, psychologist, mental health counselor, marriage or family therapist, or clinical social worker practicing under the scope of state law as defined in DOH RCW and WAC who is licensed as an LBA (may bill independently)
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Note: When licensed as an LBA, these professionals may supervise other providers including certified behavior technicians (CBTs), in accordance with their scope of practice in applicable DOH RCW and WAC. All licensed supervising practitioners will bill for services performed by unlicensed practitioners.

- B. A licensed certified behavior technician (CBT) practicing under the scope of state law as defined in DOH RCW and WAC and supervised by an LBAT practicing under the scope of state law as defined in DOH RCW and WAC (may not bill independently)
- C. A licensed psychiatrist, psychiatric advanced nurse practitioner, psychologist, mental health counselor, marriage or family therapist, or clinical social worker practicing under the scope of state law as defined by DOH RCW and attesting to having the training and experience to provide applied behavior analyst services in accordance with state law as defined in WAC (may bill independently)

The State provides assurance that these licensed providers:

- Provide services consistent with §440.60.
- Supervise according to the State's Scope of Practice Act for licensed practitioners.
- Assume professional responsibility for the services provided by the unlicensed practitioner.