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## Table of Contents

**State/Territory Name:** Wyoming

**State Plan Amendment (SPA) #:** WY-16-0006

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
1961 Stout Street, Room 08-148  
Denver, CO 80294



**Region VIII**

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July 6, 2016

Teri Green, State Medicaid Agent  
Office of Health Care Financing  
Wyoming Department of Health  
6101 Yellowstone Road, Suite 210  
Cheyenne, WY 82009

RE: Wyoming #16-0006

Dear Ms. Green:

We have reviewed the proposed State Plan Amendment (SPA) submitted under transmittal number (TN) 16-006 and approved as 16-0006. This SPA adds applied behavior analysis for children with Autism Spectrum Disorder as a covered and reimbursable service under the state plan.

Please be informed that this State Plan Amendment was approved today with an effective date of January 1, 2017. We are enclosing the CMS-179 and the amended plan page(s).

If you have any questions concerning this amendment, please contact Cindy Riddle at (303) 844-7116.

Sincerely,

/s/

Richard C. Allen  
Associate Regional Administrator  
Division for Medicaid & Children's Health Operations

cc: Thomas Forslund, Director  
Sheree Nall  
Cindy Tallydy

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

1. TRANSMITTAL NUMBER:  
WY16-006

2. STATE  
WYOMING

**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  
January 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:  
42 CFR 440.130  
42 CFR 440.60

7. FEDERAL BUDGET IMPACT:  
FFY 1: \$62,500  
FFY 2: \$122,500

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:  
Attachment 3.1A 13d, Page 1-6  
Attachment 4.19B 13d

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION  
OR ATTACHMENT (*If Applicable*):  
Attachment 3.1A 13d, Page 1-9 – TN#06-003  
Attachment 4.19B 13d – TN#06-003

10. SUBJECT OF AMENDMENT:

The amendment to the State Plan will add coverage for applied behavior analysis treatment for children with Autism Spectrum Disorder. Rehabilitative services will be limited to twenty (20) visits a year. This yearly limit will be based on the calendar year (January 1 through December 31). The benefit limit for calendar year 2017 will be calculated beginning with services provided on or after January 1, 2017. Clients will be allowed twenty (20) visits per year, unless a waiver submitted indicating ongoing services are medically necessary. Clients under 21 in the health check services program (EPSDT) are not benefit limited.

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: Delegated to Teri Green, State Medicaid Agent, Division of Healthcare Financing

12. SIGNATURE OF STATE AGENCY OFFICIAL:



16. RETURN TO:

TERI GREEN  
STATE MEDICAID AGENT  
DIVISION OF HEALTHCARE FINANCING  
6101 YELLOWSTONE ROAD, SUITE 210  
CHEYENNE, WY 82002

13. TYPED NAME: TERI GREEN

14. TITLE: STATE MEDICAID AGENT

15. DATE SUBMITTED: April 8, 2016

CC: CINDY TALLERDY, SENIOR ADMINISTRATIVE ASSISTANT  
(SAME ADDRESS)

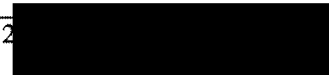
**FOR REGIONAL OFFICE USE ONLY**

17. DATE RECEIVED: 4/8/2016

18. DATE APPROVED: 7/6/2016

19. EFFECTIVE DATE OF APPROVED MATERIAL: 1/1/2017

20. REGIONAL OFFICIAL:



21. TYPED NAME: Richard C. Allen

22. TITLE: Associate Regional Administrator

REMARKS:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: WYOMING

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AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL CARE AND  
SERVICES PROVIDED

EXPLANATION OF LIMITATIONS

13d. REHABILITATIVE SERVICES – MENTAL HEALTH & SUBSTANCE ABUSE

Outpatient mental health and substance abuse treatment services are provided to all Medicaid recipients based on medical necessity. Covered services are mental health rehabilitative services provided by or under the direction of a physician, psychologist, advanced practitioner of nursing, or other licensed practitioner of the healing arts, pursuant to 42 CFR 440.130 which the State deems appropriate and consistent with the patient's condition.

The following rehabilitative services are allowable for outpatient mental health and substance abuse treatment services:

- Clinical Assessment - Contact with the recipient (and collaterals as necessary) for the purposes of completing an evaluation of the recipient's mental health and/or substance abuse disorder(s) to determine treatment needs and establish a treatment plan. This service may include psychological testing if indicated.
- Agency or Office-based individual/family therapy services - Direct contact, within the provider's office or agency, with the recipient and/or collaterals for the purpose of developing and implementing the treatment plan for an individual or family. This service is targeted at reducing or eliminating specific symptoms or behaviors which are related to a recipient's mental health or substance abuse disorder as specified in the treatment plan.
- Community-based individual/family therapy services - Direct contact, outside of the provider's office or agency, with the recipient and/or collaterals for the purpose of developing and implementing the treatment plan for an individual or family. This service is targeted at reducing or eliminating specific symptoms or behaviors which are related to a recipient's mental health or substance abuse disorder as specified in the treatment plan.
- Group Therapy – Direct contact with two or more unrelated recipients and/or collaterals as necessary for the purpose of implementing each recipient's treatment plan. This service is targeted at reducing or eliminating specific symptoms or behaviors related to a recipient's mental health and/or substance abuse disorder(s) as identified in the treatment plan.

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Supersedes  
TN# 06-003

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- Psychosocial Rehabilitation - Direct contact with two or more recipients (and collaterals as necessary) for the purpose of providing a preplanned, structured program of community living skills training which addresses functional impairments and/or behavioral symptoms related to a recipient's mental and/or substance abuse disorder(s) to slow deterioration, maintain or improve community integration, to ensure personal safety and wellbeing, and to reduce the risk of or duration of placement in a more restrictive setting including a psychiatric hospital or similar facility.
  - Individual Rehabilitative Services - Direct contact with enrolled recipients (and collaterals as necessary) for the purpose of implementing that portion of the treatment plan targeted to restoring basic skills necessary to function independently in the home and the community in an age-appropriate manner and for the purpose of restoring those skills necessary to enable and maintain independent living in the community in an age appropriate manner, including learning skills in use of necessary community resources. Individual rehabilitative services assist with the restoration of a recipient to his or her optimal functional level. This service is targeted at reducing or eliminating specific symptoms or behaviors related to a recipient's mental health and/or substance abuse disorder(s) as identified in the treatment plan.
  - Certified Peer Specialist Services - Direct contact with enrolled recipients (and collaterals as necessary) for the purpose of implementing the portion of the enrolled recipient's treatment plan that promotes the recipient to direct their own recovery and advocacy process or training to parents on how best to manage their child's mental health and/or substance abuse disorder to prevent out-of-home placement; to teach and support the restoration and exercise of skills needed for management of symptoms; and for utilization of natural resources within the community. Services are person centered and provided from the perspective of an individual who has experience with the mental health and/or substance abuse system to assist the recipient and their family with meeting the goals of the recipient's treatment plan. This service is targeted at reducing or eliminating specific symptoms or behaviors related to a recipient's mental health and/or substance abuse disorder(s) as identified in the treatment plan.
  - Comprehensive Medication Services- Assistance to recipients by licensed and duly authorized medical personnel, acting within the scope of their licensure, regarding day-to-day management of the recipient's medication regime. This service may include education of recipient's regarding compliance with the

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prescribed regime, filling pill boxes, locating pharmacy services, and assistance managing symptoms that don't require a prescriber's immediate attention. This service is separate and distinct from the medication management performed by physicians, physician's assistants and advanced practitioners of nursing who have prescriptive authority.

Licensed and certified practitioners include:

- Licensed clinical psychologist, psychological resident or psychological practitioner as defined by Wyoming State Statute-Title 33, Chapter 27, and the Wyoming State Board of Psychology.
- Licensed Advanced Practice Registered Nurse (specialty area of psychiatric/mental health), as defined by Wyoming State Statute-Title 33, Chapter 21, and the Wyoming State Board of Nursing.
- Licensed Professional Counselor; Licensed Clinical Social Worker; Licensed Marriage and Family Therapist; or, Licensed Addictions Therapist as defined by the Mental Health Professions Licensing Board pursuant to Wyoming State Statute.

Rehabilitative services are also covered for certain practitioners (acting within the scope of their licensure or certification) when they are supervised by a physician, licensed psychologist, or licensed mental health practitioner.

The following practitioners are included under the supervisory arrangement listed above:

- Provisionally licensed mental health or substance abuse practitioner practicing under the supervision of a qualified clinical supervisor as defined by the Mental Health Professions Licensing Board pursuant to Wyoming State Statute.
- Certified Social Worker (CSW) or a Certified Mental Health Worker (CMHW) who is certified by the Mental Health Professions Licensing Board pursuant to Wyoming State Statute.
- Certified Addictions Practitioner (CAP) who has received a baccalaureate degree in a human resource discipline or a baccalaureate level equivalency in addiction therapy and is certified by the Mental Health Professions Licensing Board pursuant to Wyoming State Statute.

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- Certified Addictions Practitioner Assistant (CAPA) who has completed two hundred seventy (270) contact hours of education and training in alcoholism and drug abuse or related counseling subjects that meet the academic and training content standards established for certification by the Mental Health Professions Licensing Board pursuant to Wyoming State Statute.
  - Mental Health Assistant (MHA) who has achieved a bachelor's degree in a human relations discipline as specified in the Wyoming Standards for the Operation of Community Mental Health and Substance Abuse Programs who is working under the documented, scheduled supervision of a licensed mental health professional.
  - Mental Health Technician (MHT) who has a GED, a high school degree, or a higher degree in an other than human relations discipline as specified in the Wyoming Standards for the Operation of Community Mental Health and Substance Abuse Programs who is working under the documented, scheduled supervision of a licensed mental health professional.
  - Certified Peer Specialist (CPS) who has a GED or high school degree and meets the criteria and supervision requirements of a MHT as specified in the Wyoming Standards for the Operation of Community Mental Health and Substance Abuse Programs, is certified by the Mental Health and Substance Abuse Services Division of the Wyoming Department of Health and who is working under the documented, scheduled supervision of a licensed mental health professional.

Allowable services include:

- Clinical Assessment
- Agency or Office-based individual/family therapy
- Community-based individual/family therapy
- Group Therapy
- Psychosocial Rehabilitation
- Individual Rehabilitative Services
- Certified Peer Specialist Services
- Comprehensive Medication Services

Rehabilitative services are allowable when provided by the practitioners listed below:

- Licensed clinical psychologists, psychological residents or psychological practitioners as defined by Wyoming State Statute-Title 33, Chapter 27, and the Wyoming State Board of Psychology.

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- Licensed Advanced Practice Registered Nurses (specialty area of psychiatric/mental health), as defined by Wyoming State Statute-Title 33, Chapter 21, and the Wyoming State Board of Nursing.

Allowable services for these duly authorized and licensed practitioners include procedures as described in the American Medical Association's *Current Procedural Terminology* (latest edition) within the allowable scope of their practice.

Applied Behavior Analysis (ABA) treatments are allowable to children between the ages of 0-21 years of age with a diagnosis of Autism Spectrum Disorder. Applied Behavior Analysis are individualized treatments based in behavioral sciences that focus on increasing positive behaviors and decreasing negative or interfering behaviors to improve a variety of well-defined skills. ABA is a highly structured program that includes incidental teaching, intentional environmental modifications, and reinforcement techniques to produce socially significant improvement in human behavior. ABA strategies include reinforcement, shaping, chaining of behaviors and other behavioral strategies to build specific targeted functional skills that are important for everyday life.

Allowable services include:

- Behavior identification assessment – Direct contact with the recipient (and collaterals as necessary) for the purposes of identification of deficient adaptive or maladaptive behaviors, completing an evaluation of the recipient's mental health and/or substance abuse disorder(s) to determine treatment needs and establish a treatment plan. This service may include psychological testing if indicated.
- Observational behavioral follow-up assessment – Direct contact with the recipient (and collaterals as necessary) for the purposes of identification and evaluation factors that may impede the expression of adaptive behavior. This assessment utilizes structured observation and/or standardized and non-standardized test to determine adaptive behavior. This service may include psychological testing if indicated.
- Adaptive behavior treatment – Direct contact with the recipient (and collaterals as necessary) for the purpose of addressing the patient's specific target problems and treatment goals as defined by the assessments. Adaptive behavior treatment is based on principles including analysis and alteration of contextual events and motivating factors, stimulus-consequence strategies and replacement behavior, and monitoring of outcome metrics.

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- Family adaptive behavior treatment guidance – Direct contact with the family/caregiver to provide specialized training and education to assist with the child’s needs and development. The provider will observe, instruct and train the family/caregivers on the child’s development status, and techniques and strategies to promote the child’s development that is established in the treatment plan.

Licensed and certified practitioners include:

- Board Certified Behavior Analyst – Doctoral as defined by the Behavior Analyst Certification Board.
- Board Certified Behavior Analyst as defined by the Behavior Analyst Certification Board.

Applied Behavior Analysis treatments are also covered for certain practitioners (acting within the scope of their licensure or certification) when they are supervised by a Board Certified Behavior Analyst – Doctoral or a Board Certified Behavior Analyst.

The following practitioners are included under the supervisory arrangement listed above:

- Board Certified Assistant Behavior Analyst as defined by the Behavior Analyst Certification Board.
- Registered Behavior Technician as defined by the Behavior Analyst Certification Board.

Allowable services include:

- Adaptive behavior treatment

Rehabilitative services will be limited to twenty (20) visits a year, unless additional services are determined to be medically necessary and rehabilitative. This yearly limit will be based on the calendar year (January 1 through December 31). The benefit limit for calendar year 2017 will be calculated beginning with services provided on or after January 1, 2017. Clients under 21 in the health check services program (EPSDT) are not benefit limited.

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## STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: WYOMING

## POLICY AND METHODS OF ESTABLISHING PAYMENT RATE FOR EACH TYPE OF CARE PROVIDED

## 13d. REHABILITATIVE SERVICES – MENTAL HEALTH &amp; SUBSTANCE ABUSE

Outpatient mental health and substance abuse treatment services are reimbursed on a fee-for-service basis per unit of service, per practitioner, utilizing the American Medical Association's Current Procedural Terminology, HCPCS Level I (CPT) and HCPCS Level II codes. Reimbursement will be the lesser of charges or a percentage of the physician fee schedule amount. All public and private providers are reimbursed according to the same fee schedule. A maximum allowable fee is established by procedure code regardless of provider location. Providers may access the fee schedule on the agency website or upon request by calling the fiscal agent.

Providers bill rehabilitation services using either a HCPCS Level I (CPT) or HCPCS Level II code, not both. Physician fees were determined by an RBRVS analysis of customary charges, prevailing charges, and average commercial rates. Charges were inflated to the SFY2007 rate year using the Medicare Economic Index. The reasonable charge was identified as the lower of the inflated charges or the newly computed rate under each of the three approaches. Except as otherwise noted in the State Plan, state-developed fee schedule rates are the same for both governmental and private providers.

HCPCS Level II code rates are compared with private sector behavioral health provider's rates to ensure that they're comparable programmatically. This is accomplished by comparing the average of the value of each service as specified in the Mental Health and Substance Abuse Services Division's public and private provider service contracts for comparable mental health and substance abuse services. This formula ensures equity with state contracted rates for comparable Medicaid allowable outpatient services. Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers. The agency's fee schedule rate was set as of September 22, 2007 and is effective for services provided on or after that date. All rates are published on the fiscal agent's website, <http://wyequalitycare.acs-inc.com>.

Rates do not include the cost of room and board and include only Medicaid allowable costs. Payment made by Medicaid will not duplicate payments made to other public agencies or private entities under other program authorities for this same purpose.

Outpatient mental health and substance abuse treatment services provided by the following duly authorized licensed practitioners, acting within the allowable scope of their practice, are reimbursed via HCPCS Level I (CPT) codes as specified in section 13d-Rehabilitative Services portion of Attachment 3.1A:

TN# 16-006

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- Licensed clinical psychologists, psychological residents or psychological practitioners.
- Licensed Advanced Practice Registered Nurses (specialty area of psychiatric/mental health).

Outpatient mental health and substance abuse treatment units of service reimbursed via HCPCS Level II codes are reimbursed on a 15 minute unit basis per section 13d-Rehabilitative Services portion of Attachment 3.1A.

Licensed and certified practitioners who may supervise provision of or provide a HCPCS Level II coded service include:

- Licensed physician
- Licensed clinical psychologist, psychological resident or psychological practitioner
- Licensed Advanced Practice Registered Nurse (specialty area of psychiatric/mental health)
- Licensed Professional Counselor; Licensed Clinical Social Worker; Licensed Marriage and Family Therapist; or, Licensed Addictions Therapist
- Provisionally licensed mental health or substance abuse practitioner practicing under the supervision of a qualified clinical supervisor
- Certified Social Worker (CSW) or a Certified Mental Health Worker (CMHW)
- Certified Addictions Practitioner (CAP)
- Certified Addictions Practitioner Assistant (CAPA)
- Mental Health Assistant (MHA)
- Mental Health Technician (MHT)
- Certified Peer Specialist
- Board Certified Behavior Analyst – Doctoral
- Board Certified Behavior
- Board Certified Assistant Behavior Analyst
- Registered Behavior Technician