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State/Territory Name: Minnesota

State Plan Amendment (SPA) #: 23-0017

This file contains the following documents in the order listed:

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

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

November 13, 2023

Julie Marquardt
Assistant Commissioner and Minnesota Medicaid Director
Minnesota Department of Human Services
540 Cedar Street
St. Paul, Minnesota 55164-0983

Re: Minnesota State Plan Amendment (SPA) 23-0017

Dear Director Marquardt:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number 23-0017. This amendment proposes changes to Early Intensive Developmental and Behavioral Intervention (EIDBI) Benefits. It increases the rate for EIDBI services by 14.99%, changes provider qualifications to ensure that providers who are American Indian Natives are able to enroll as Level 2 providers and establishes Level 1 and Level 2 variances for providers to address the workforce shortage for EIDBI providers.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act. This letter is to inform you that Minnesota Medicaid SPA 23-0017 was approved on November 13, 2023, with an effective date of January 1, 2024.

If you have any questions, please contact Sandra Porter at 312-353-8310, or via email at Sandra.Porter@cms.hhs.gov.

Sincerely,

A black rectangular redaction box covers the signature of Ruth A. Hughes.

Ruth A. Hughes, Acting Director
Division of Program Operations

Enclosures

cc: Alexandra Zoellner, MN DHS
Melorine Mokri, MN DHS
Patrick Hultman, MN DHS

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

1. TRANSMITTAL NUMBER

2 3 — 0 0 1 7

2. STATE

MN

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT

XIX XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

January 1, 2024

5. FEDERAL STATUTE/REGULATION CITATION

42 CFR § 440 and Title XIX of the Social Security Act

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 2024 \$ 6,610,000
b. FFY 2025 \$ 10,415,000

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A Page 17xx-3, 17xx-4, 17xx-5, 17xx-6
Attachment 3.1-B Page 16xx-3, 16xx-4, 16xx-5, 16xx-6
4.19-B Page 8

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

same

9. SUBJECT OF AMENDMENT

This amendment makes changes to Early Intensive Developmental and Behavioral Intervention Benefits.

10. 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:

11. SIGNATURE OF STATE AGENCY OFFICIAL

[Redacted Signature]

12. TYPED NAME

Patrick Hultman

13. TITLE

Deputy Medicaid Director

14. DATE SUBMITTED

8/28/2023

15. RETURN TO

Alley Zoellner
Minnesota Department of Human Services
Federal Relations Unit
540 Cedar Street, PO Box 64983
Saint Paul, MN 55164

FOR CMS USE ONLY

16. DATE RECEIVED

August 28, 2023

17. DATE APPROVED

November 13, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

January 1, 2024

19. SIGNATURE OF

[Redacted Signature]

20. TYPED NAME OF APPROVING OFFICIAL

Ruth A. Hughes

21. TITLE OF APPROVING OFFICIAL

Acting Director, Division of Program Operations

22. REMARKS

STATE: MINNESOTA
Effective: January 1, 2024
TN:23-17
Approved: 11/13/2023
Supersedes: 18-12, 17-06,
14-08

Attachment 3.1-A
Page 17xx-3

4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)

Provider Qualifications and Training.

Qualified Supervising Professional: All EIDBI services must be billed by, and either provided by or under the clinical supervision of a qualified supervising professional who assumes full professional responsibility for the services provided by Level I, II and III EIDBI providers. A qualified supervising professional is a mental health professional, as described in item 6.d.A.

Qualified supervising professionals must work within their licensed scope of practice, and have at least 2,000 hours of supervised, clinical experience and/or training in the examination and/or treatment of children with ASD or a related condition, or equivalent documented coursework at the graduate level by an accredited university in the areas of ASD diagnostics, ASD developmental and behavioral treatment strategies and typical child development.

The following non-licensed practitioners are qualified to provide EIDBI treatment when services are provided for the direct benefit of the child, supervised directly and within the scope of practice of the qualified supervising professional who assumes full professional responsibility for these activities, and they are billed by a qualified supervising professional as described below:

A. Level I EIDBI provider:

All Level I providers must be employed by an EIDBI agency and meet at least one of the following standards:

1. Have both of the following:

- a. ~~Unless otherwise described below, all Level I providers must have~~ At least 2,000 hours of supervised, clinical experience and/or training in the examination and/or treatment of children with ASD or a related condition, or equivalent documented coursework at the graduate level by an accredited university in the areas of ASD diagnostics, ASD developmental and behavioral treatment strategies, and typical child development, or an equivalent combination of documented coursework and hours of experience. Providers without the required hours of supervision must receive observation and direction from a qualified supervising professional at least once per month until he or she has 2,000 hours of supervised clinical experience; and

4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)

~~Additionally, all Level I providers must:~~

- ~~b. Have A a master's degree, or be enrolled in a master's program, in one of the behavioral health, child development or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university.; or Providers without the required hours of supervision must receive observation and direction from a qualified supervising professional at least once per month until he or she has 2,000 hours of supervised clinical experience;~~
2. Have a bachelor's degree in one of the behavioral health, child development or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university and advanced certification in one of the OHS recognized treatment modalities; or
3. Be a board certified behavior analyst (BCBA); or
4. Be a board certified assistant behavior analyst (BCaBA) and 4,000 hours of supervised, clinical experience that meets all registration, supervision, and continuing education requirements of the certification; or
5. Have at least 6,000 hours of clinical experience providing early intervention services in the modality the EIDBI agency uses, and have a Bachelor's Degree in a related field, and completed the EIDBI level III provider training requirements.

B. Level II EIDBI provider:

All Level II providers must be employed by an EIDBI agency and meet one of the following standards:

1. Have a bachelor's degree in one of the behavioral or child development sciences or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university; and meet one of the following requirements:
 - ~~a. have at least 1,000 hours of supervised, clinical experience and/or training in the examination and/or treatment of children with ASD or a related condition;~~ or
 - ~~b. equivalent documented coursework at the graduate level by an accredited university in the areas of ASD diagnostics, ASD developmental and behavioral treatment strategies and typical child development;~~ or
 - ~~c. an equivalent combination of documented coursework and hours of experience;~~ or
 - ~~d. a board-certified assistant behavior analyst (BCaBA);~~ or
 - ~~e. a registered behavior technician (RBT);~~ or
 - ~~f. certified in one of the other treatment modalities recognized by the Department.~~

-
- 4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)
2. Be age 18 or older, have completed initial certification in the modality provided by the agency employer, have completed the EIDBI level III provider training requirements, and receive observation and direction from the advanced certification provider at least once per week until meeting 1,000 hours of supervised clinical experience; or
 3. Be currently enrolled in a bachelor's degree program in one of the behavioral or child development sciences or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university, and receive observation and direction from a qualified supervising professional or Level I treatment provider at least twice per month until meetings 1,000 hours of supervised clinical experience-; or
 4. Have an associate's degree in one of the behavioral or child development sciences or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university, and at least 2,000 hours of supervised, clinical experience in delivering treatment to children with ASD or a related condition. Hours worked as a mental health behavioral aide or Level III provider may be included in the required hours of experience-; or
 5. Have at least 4,000 hours of supervised, clinical experience in delivering treatment to children with ASD or a related condition. Hours worked as a mental health behavioral aide or Level III EIDBI provider may be included in the required hours of experience-; or
 6. Be a graduate student in a behavioral science, child development science, or related field, who is receiving clinical supervision from a qualified supervising professional to meet the clinical training requirements-; or
 7. Be at least 18 years of age, fluent in a language in addition to English or is an individual certified by a Tribal government, complete the Department's training requirements for a Level III provider, and receive observation and direction from a qualified supervising professional or qualified Level I provider at least once a week until reaching 1,000 hours of supervised experience.

STATE: MINNESOTA

Attachment 3.1-A

Effective: January 1, 2024

Page 17xx-6

TN: 23-17

Approved: 11/13/2023

Supersedes: 14-08

4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)

C. Level III EIDBI provider:

All Level III providers must ~~have the following experience and or training~~ be employed by an EIDBI agency and meet the following standards:

- ~~a.~~ 1. Be at least 18 years old;
- ~~b.~~ 2. Meet the Department's specific training requirements for a Level III provider; and one of the following:
 - ~~i.~~ a. Have a high school diploma or general equivalency diploma (GED) ~~or~~;
 - ~~ii.~~ b. Be fluent in a language in addition to English or receive certification from a Tribal government; or
 - ~~iii.~~ c. Have one year of experience as a primary personal care assistant, community health worker, waiver service provider, or special education assistant to a child with autism spectrum disorder or a related condition within the previous five years ~~+~~.

4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)

Provider Qualifications and Training.

Qualified Supervising Professional: All EIDBI services must be billed by, and either provided by or under the clinical supervision of a qualified supervising professional who assumes full professional responsibility for the services provided by Level I, II and III EIDBI providers. A qualified supervising professional is a mental health professional, as described in item 6.d.A.

Qualified supervising professionals must work within their licensed scope of practice, and have at least 2,000 hours of supervised, clinical experience and/or training in the examination and/or treatment of children with ASD or a related condition, or equivalent documented coursework at the graduate level by an accredited university in the areas of ASD diagnostics, ASD developmental and behavioral treatment strategies and typical child development.

The following non-licensed practitioners are qualified to provide EIDBI treatment when services are provided for the direct benefit of the child, supervised directly and within the scope of practice of the qualified supervising professional who assumes full professional responsibility for these activities, and they are billed by a qualified supervising professional as described below:

A. Level I EIDBI provider:

Unless otherwise described below, all Level I providers must have at least 2,000 hours of supervised, clinical experience and/or training in the examination and/or treatment of children with ASD or a related condition, or equivalent documented coursework at the graduate level by an accredited university in the areas of ASD diagnostics, ASD developmental and behavioral treatment strategies, and typical child development, or an equivalent combination of documented coursework and hours of experience.

All Level I providers must be employed by an EIDBI agency and meet at least one of the following standards:

1. Have both of the following:

- a. Unless otherwise described below, all Level I providers must have at least 2,000 hours of supervised, clinical experience and/or training in the examination and/or treatment of children with ASD or a related condition, or equivalent documented coursework at the graduate level by an accredited university in the areas of ASD diagnostics, ASD developmental and behavioral treatment strategies, and typical child development, or an equivalent combination of documented coursework and hours of experience. Providers without the required hours of supervision must receive observation and direction from a qualified supervising professional at least once per month until he or she has 2,000 hours of supervised clinical experience; and

4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)

~~Additionally, all Level I providers must:~~

- ~~b. Have A a master's degree, or be enrolled in a master's program, in one of the behavioral health, child development or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university.; or Providers without the required hours of supervision must receive observation and direction from a qualified supervising professional at least once per month until he or she has 2,000 hours of supervised clinical experience.~~
2. Have a bachelor's degree in one of the behavioral health, child development or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university and advanced certification in one of the OHS recognized treatment modalities; or
3. Be a board certified behavior analyst (BCBA); or
4. Be a board certified assistant behavior analyst (BCaBA) and 4,000 hours of supervised, clinical experience that meets all registration, supervision, and continuing education requirements of the certification-; or
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- a. have at least 1,000 hours of supervised, clinical experience and/or training in the examination and/or treatment of children with ASD or a related condition-; or
 - b. equivalent documented coursework at the graduate level by an accredited university in the areas of ASD diagnostics, ASD developmental and behavioral treatment strategies and typical child development-; or
 - c. an equivalent combination of documented coursework and hours of experience; or
 - d. a board-certified assistant behavior analyst (BCaBA); or
 - e. a registered behavior technician (RBT); or
 - f. certified in one of the other treatment modalities recognized by the Department.

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4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)

2. Be age 18 or older, have completed initial certification in the modality provided by the agency employer, have completed the EIDBI level III provider training requirements, and receive observation and direction from the advanced certification provider at least once per week until meeting 1,000 hours of supervised clinical experience; or
3. Be currently enrolled in a bachelor's degree program in one of the behavioral or child development sciences or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university, and receive observation and direction from a qualified supervising professional or Level I treatment provider at least twice per month until meetings 1,000 hours of supervised clinical experience-; or
4. Have an associate's degree in one of the behavioral or child development sciences or allied fields (such as, but not limited to, mental health, special education, social work, psychology, speech pathology, or occupational therapy) from an accredited college or university, and at least 2,000 hours of supervised, clinical experience in delivering treatment to children with ASD or a related condition. Hours worked as a mental health behavioral aide or Level III provider may be included in the required hours of experience-; or
5. Have at least 4,000 hours of supervised, clinical experience in delivering treatment to children with ASD or a related condition. Hours worked as a mental health behavioral aide or Level III EIDBI provider may be included in the required hours of experience-; or
6. Be a graduate student in a behavioral science, child development science, or related field, who is receiving clinical supervision from a qualified supervising professional to meet the clinical training requirements-; or
7. Be at least 18 years of age,--fluent in a language in addition to English or is an individual certified by a Tribal government, complete the Department's training requirements for a Level III provider, and receive observation and direction from a qualified supervising professional or qualified Level I provider at least once a week until reaching 1,000 hours of supervised experience.

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4.b. Early and periodic screening, diagnosis, and Treatment services.
(continued)

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All Level III providers must ~~have the following experience and or training~~ be employed by an EIDBI agency and meet the following standards:

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- ~~b.~~ 2. Meet the Department's specific training requirements for a Level III provider; and one of the following:
 - ~~i.~~ a. Have a high school diploma or general equivalency diploma (GED) ~~or~~ ;
 - ~~ii.~~ b. Be fluent in a language in addition to English or receive certification from a Tribal government; or
 - ~~iii.~~ c. Have one year of experience as a primary personal care assistant, community health worker, waiver service provider, or special education assistant to a child with autism spectrum disorder or a related condition within the previous five years ;.

Approved: 11/13/2023
Supersedes: 21-12, 19-10 (17-06,14-08)

4.b. Early and periodic screening, diagnosis, and treatment services.

Effective for services provided on or after July 1, 2015, payment for **Early Intensive Developmental and Behavioral Intervention (EIDBI)** services is the lower of:

1. Submitted charge, or
2. The resource based relative value scale (RBRVS) calculated rate (if available);

For all other services, payment is the lower of

1. Submitted charge, or
2. the following state agency established rates:
 - Comprehensive multi-disciplinary evaluation (CMDE) conducted by a CMDE provider: ~~\$43.58~~ 50.12 per 15-minute unit
 - Coordinated care conference, per provider per session: ~~\$97.98~~ 112.68
 - EIDBI intervention with two providers, per 15-minute unit: ~~\$21.04~~ 24.20

For the following services, the agency established rate is based on the service being provided by a qualified supervising professional or Level I provider,; the agency established rate is reduced 20% when provided by a Level II provider, or; the agency established rate is reduced by 50% when provided by a Level III provider.

- Individual Treatment Plan (ITP) development: ~~\$82.44~~ 94.20 per session
- EIDBI intervention, per 15-minute unit: ~~\$17.54~~ 20.18
- Group intervention, per 15-minute unit: ~~\$5.84~~ 6.72
- Observation and Direction of EIDBI intervention, per 15-minute unit: ~~\$17.54~~ 20.18
- Family/caregiver training and counseling, per 15 minute unit: ~~\$17.54~~ 20.18
- Group family/caregiver training and counseling, per 15 minute unit: ~~\$5.84~~ 6.72

Necessary travel time to provide EIDBI services is paid using the same methodology that applies to provider travel time in item 6.d.A.