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State/Territory Name: New Jersey

State Plan Amendment (SPA) #: 19-0003

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved 3.1-A SPA Pages
- 4) Approved 4.19-B 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

September 24, 2020

Jennifer Langer Jacobs
Assistant Commissioner
NJ Department of Human Services
Division of Medical Assistance and Health Services
PO Box 712
Trenton, NJ 08625-0712

RE: SPA #19-0003

Dear Ms. Jacobs:

This is to notify you that New Jersey's State Plan Amendment (SPA) #19-0003, "Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Autism Benefit," has been approved on September 18, 2020 for adoption into the State Medicaid Plan with an effective date of January 1, 2019. This SPA proposes to include Autism Spectrum Disorder (ASD) related services for EPSDT eligible individuals.

If you have any questions or wish to discuss this SPA further, please contact Michael Cutler of this office. Mr. Cutler may be reached at (212) 616-2421.

Sincerely,


James G. Scott, Director
Division of Program Operations

cc: Nicole McKnight
Yvette Moore
Mike Cutler

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

1. TRANSMITTAL NUMBER:
19-0003 MA

2. STATE
New Jersey

FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

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

TO: REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
January 1, 2019

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 U.S. C. 1396a(a)(30)(A); 42 USC 1396d(a)(13)

7. FEDERAL BUDGET IMPACT:

a. FFY 2019 \$ 7M
b. FFY 2020 \$ 22.6M

8. PAGE NUMBER OF THE PLAN SECTION OR
ATTACHMENT:

Addendum to Attachment 3.1 A Page 13(c)(2a)-(2f)
Attachment 4.19 – B Page 22

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 PAGE NUMBER OF THE SUPERSEDED PLAN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

New
Same

10. SUBJECT OF AMENDMENT:

EPSDT Autism Benefit

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:
Not required, pursuant to 7.4 of the Plan

12. SIGNATURE OF STATE AGENCY OFFICIAL:

13. TYPED NAME: Carole Johnson

14. TITLE: Commissioner,
Department of Human Services

15. DATE SUBMITTED:

3/29/13

16. RETURN TO:

Meghan Davey, Director
Division of Medical Assistance and Health
Services
P.O. Box 712, Mail Code #26
Trenton, NJ 08625-0712

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:

18. DATE APPROVED:

09/18/2020

PLAN APPROVED – ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:

01/01/2019

20. SIGNATURE OF REGIONAL OFFICIAL:

21. TYPED NAME:

James G. Scott

22. TITLE: Director,

Division of Program Operations

23. REMARKS:

Clarification: Block #7a - Reported in millions - Actual amount is \$7,022,130
Block #7b - Reported in millions - Actual amount is \$22,627,234.68

Block #8 - Remove 4.19B, Page 22 and ADD Attachment 4.19B, Page 36

Block #9 Remove 'SAME' and ADD Attachment 4.19, Page 36

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

Limitations on Amount, Duration and Scope of Services Provided to the Categorically Needy

13(c) Preventive Services – Services to Treat Autism Disorders Pursuant to EPSDT:

General Description

Autism Spectrum Disorder (ASD) services are intended to treat and ameliorate difficulties in behavior, social interaction, communication and sensory sensitivities associated with ASD, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders. Services offer a wide array of options to allow individualized treatment of ASD. These EPSDT services are available to Medicaid beneficiaries under the age of twenty-one with an ASD diagnosis made by a qualified licensed practitioner. Services are provided as recommended by a physician, advanced practice nurse, or psychologist qualified within their scope of practice under state law. Services are intended to prevent the progression of symptoms related to ASD where they are interruptive of functioning defined by the individual and family. Preventative services must be provided to the individual as direct care for the primary purpose of diagnosing, treating, improving, maintaining or preventing a beneficiary's functional or behavioral baseline.

NJ intends to assist beneficiaries and families to identify available services determined appropriate for their individualized needs. Services to the beneficiary's family and significant others is for the direct benefit of the beneficiary, in accordance with the beneficiary's needs and treatment goals identified in the beneficiary's treatment plan, and for the purpose of assisting in the beneficiary's optimum level of functioning. The state shall also include monitoring the provision of services for medical appropriateness. In accordance with 42 CFR Section 440.130(c), services provided are recommended by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under state law to prevent disease, disability, and other health conditions or their progression; prolong life; and promote physical and mental health and efficiency.

Service Description

New Jersey intends to provide a multidisciplinary set of services that are individualized and coordinated with the intent to support an ASD beneficiary's functional and development needs and enhance their inclusion in their community. This multidisciplinary service approach will assist to prevent, treat and manage challenges that can arise for those diagnosed with ASD and ultimately to maximize beneficiary quality of life.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

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13(c) Preventive Services – Services to Treat Autism Disorders Pursuant to EPSDT
Cont'd:

Services identified in a plan of care will be inclusive of parent/caregiver and youth choice and include best practice decisions and combinations of formal and informal supports and services that yield sustainable growth for the youth and family across life domains and enhance the quality of life for individual and family (social, communicative, emotional/behavioral, risk, life functioning, caregiver strengths and needs). These services are designed to be delivered in settings inclusive of in-home, out of home, clinical, and community settings.

ASD treatment services include the following:

Behavioral Therapies

Behavioral therapies that involve a therapist observing an individual's behaviors and identifying those that require modification. Therapists will utilize different techniques to either increase positive behaviors and/or decrease negative behaviors. Therapists continually monitor and assess their effectiveness and modify their approach accordingly. Services are intended to improve skill acquisition and to increase adaptive behavior. Behavioral Interventions should include but are not limited to development of an integrated Applied Behavior Analysis (ABA) plan of care or behavior support plan.

Services providers include:

Board Certified Behavior Analysts Doctorate (BCBA-D)- must possess a Doctorate degree in psychology, special education, guidance and counseling, social work or a related field and at least one year of experience in developing and implementing behavior support plans for individuals who have intellectual/developmental disabilities.

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Cont'd:

Board Certified Behavior Analysts (BCBA)- must possess a graduate-level certification in behavior analysis. Professionals who are certified at the BCBA level are independent practitioners who provide behavior-analytic services. BCBA providers include those with a Master level degree in psychology, special education, guidance and counseling, social work or a related field. BCBA's must have at least one year of experience in developing and implementing behavior support plans for individuals who have intellectual/developmental disabilities.

Board Certified Assistant Behavior Analysts (BCaBA's) must possess an undergraduate level certification in behavior analysis. BCaBA's may not practice independently. They may only practice under the supervision of a BCBA/BCBA-D certified provider. The BCBA and BCBA-D always provides higher level of supervision to the BCaBA. BCaBA providers include those with a Bachelor's level degree in psychology, special education, guidance and counseling, or social work. BCaBA's must have at least one year of post-graduate experience in developing and implementing behavior support plans for individuals who have intellectual/developmental disabilities.

Behavior Technicians- A behavior technician is a paraprofessional practicing under the supervision of a BCaBA, BCBA, or BCBA-D. The behavior technician must possess a Bachelor's degree in psychology, special education, guidance and counseling, social work or a related field and at least one year of supervised experience in implementing behavior support plans for individuals who have intellectual/developmental disabilities, or; a high school diploma or GED and at least three years of supervised experience in implementing behavior support plans for individuals who have an intellectual/developmental disabilities, or; be a Registered Behavior Technician (RBT) certified by the Behavior Analyst Certification Board (BACB).

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Cont'd:

Augmentative and Alternative Communication

The communication methods used to supplement or replace speech or writing for individuals with ASD diagnosed with impairments in the production or comprehension of spoken or written language.

Augmentative communication devices must be medically necessary and ordered by a physician or advanced practice nurse.

Clinical Interventions

Clinical Interventions include, but are not limited to, completion of a Biopsychosocial Assessment (BPS) and an IMDS Strengths and Needs assessment utilized in the development of an integrated plan of care. The plan of care is Inclusive of parent coaching, education and parent/family support.

Providers must have a Master's degree in psychology, special education, guidance and counseling, social work or a related field with at least one year of experience in providing clinical services for individuals who have an intellectual or developmental disability. Providers shall be clinically licensed to independently practice in NJ or a master's level practitioner who is practicing under the supervision of a clinician who is clinically licensed and within the scope of their license.

Skill Acquisition and Capacity Building

These services support neurodiversity and include social and emotional learning. Services are tailored to the youth's individualized needs to increase skills important in attaining desired life goals, including but not limited to communication, self-regulation, problem solving, and conflict resolution. Providers must have a Master's degree in psychology, special education, guidance and counseling, social work or a related field with at least one year of experience in providing therapeutic services for individuals who have an intellectual or developmental disability.

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13(c) Preventive Services – Services to Treat Autism Disorders Pursuant to EPSDT
Cont'd:

Providers shall be clinically licensed to independently practice in NJ or hold a master's or bachelor's degree and be providing services under the supervision of an independently licensed clinician practicing within the scope of their license.

Sensory Integration Therapy

Sensory integration therapy provides the individual with information which helps organize the central nervous system, assist the individual in inhibiting and/or modulating sensory information and to process a more organized response to sensory stimuli. By exposing children to sensory stimulation in a structured, repetitive way, over time, the intent of the therapy is for the brain to adapt and allow them to process and react to sensations more efficiently. Therapists with specialized training and credentialed to perform sensory integration therapy provide interventions to improve the ability of the brain to process sensory information intended to improve the individual's ability to complete activities of daily living and improve their quality of life. Sensory integration therapy is not provided as, or billed as, an untimed individual occupational therapy session. Sensory integrative therapy is billed as a sensory integrative technique comprised of fifteen minute units.

Providers- Licensed occupational therapists with additional certification in Sensory-Integration. Licensed occupational therapists are qualified in accordance with 42 CFR 440.110(b) and applicable state and federal laws and regulations, acting within his or her scope of practice under New Jersey State law.

Allied Health (Occupational, Physical, Speech and Language)

Allied health services include Occupational Therapy (OT), Speech Therapy (ST) and Physical Therapy (PT) for the treatment of ASD. Licensed Occupational, Physical or Speech Therapists work with ASD individuals to develop skills to improve motor skills, improve reciprocal play skills, improve articulation and overall communication skills and daily living skills.

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13(c) Preventive Services – Services to Treat Autism Disorders Pursuant to EPSDT
Cont'd:

- Licensed Physical Therapist- provide activities and exercises to build motor skills to improve strength, posture and balance and to address movement deficiencies associated with ASD. Licensed physical therapists are qualified in accordance with 42 CFR 440.110(a) and applicable state and federal laws and regulations, acting within his or her scope of practice under New Jersey State law.
- Licensed Occupational Therapist- focuses on play skills, learning strategies and self-care which are negatively affected by ASD. Licensed occupational therapists are qualified in accordance with 42 CFR 440.110(b) and applicable state and federal laws and regulations, acting within his or her scope of practice under New Jersey State law.

Licensed Speech Therapist, Speech/language Pathologist (MA/MS, SLP-CCC) address challenges with language and communication to improve verbal, non-verbal and social communication to improve communication. Licensed speech therapists are qualified in accordance with 42 CFR 440.110(c) and applicable state and federal laws and regulations, acting within his or her scope of practice under New Jersey State law.

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Cont'd:

Developmental, Individual Differences, and Relationship-based Approaches (DIR)

Relationship-based approaches are part of a broader category of developmental approaches designed to assist children with autistic spectrum disorders. Relationship-based approaches focus on the importance of relationships. One form of a relationship-based approach is Developmental, Individual-difference, Relationship-based Floortime DIR model. DIR/Floortime is a systematic developmental intervention approach which integrates psychodynamic and cognitive learning principles designed to address social engagement, social communication, and broadening the individual's interests. It is a child-led approach during which an adult follows a child's lead and focuses on whatever objects interests the child.

Providers- clinicians who are licensed/credentialed in their discipline, including with specialized training and endorsement, including, but not limited to:

- DIR Floortime Advanced Practitioner certification
- Endorsement from NJAIMH – Level II and IV Infant Mental Health Endorsed – Alliance for IMH
- Certified as a Clinical, Developmental Models of Autism Intervention- DMAI
- Certificated by the Center for Autism and Early Childhood Mental Health,
- Early Start Denver Model (ESDM) certification,
- Relationship Development Intervention (RDI) training
- Licensed Independent Practitioner-LCSW, LPC, LMFT
- Master's level, LAC, LSW and/or Bachelor's level. All under the supervision of the licensed independent practitioner within their respective disciplines.

Qualified Provider Specifications and Limitations

Qualified individuals must be a Medicaid/NJFamilyCare provider or work for a Medicaid/NJFamilyCare provider. Providers must be; licensed by New Jersey, certified by a nationally accredited credentialing body, or by a recognized provider of continuing education.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE OF NEW JERSEY

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES FOR NON-
INSTITUTIONAL SERVICES

FEE SCHEDULE EFFECTIVE DATES AND LINKS

The fees in the State's fee schedules referenced in Attachment 4.19-B were set on January 1, 2019 and are effective for services provided on or after that date. Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of the Medicaid services listed below. Services for both ABP and non-ABP beneficiaries utilize the same rates unless otherwise noted in the plan. All applicable procedure code listings and/or rates are published on the State's website at www.njmmis.com under the link for 'Rate and Code Information' and can be found in the following locations:

- **Medicaid Fee Schedules:**

- **Location: Procedure Master Listing – Medicaid Fee for Service - CY 2019 (last updated in SPA 19-0003 effective 1/1/2019)**
- **Description:** Main file of procedure codes billable to Medicaid for all services except as listed below.

- **Children's Rates: (excluding Special Education Medicaid Initiative (SEMI))**

All applicable procedure code listings and/or rates are published on the State's website at www.njmmis.com under the link for 'Rate and Code Information' and can be found in the following locations:

- **Location: Procedure Master Listing – Children's Rates – CY 2019 (SPA 19-0003 – effective 1/1/2019)**
- **Description:** File contains procedure codes billable to Medicaid for services provided to beneficiaries under the age of 21 except as listed below.

- **Outpatient Laboratory Billing Only:**

All applicable procedure code listings and/or rates are published on the State's website at www.njmmis.com under the link for 'Rate and Code Information' and can be found in the following locations:

- **Location: Procedure Master Listing - Outpatient Hospital Laboratory Billing Only – CY 2019 (SPA NJ 19-0001 effective 1/1/2019)**
- **Description:** File contains procedure codes billable to Medicaid for laboratory services conducted in an outpatient hospital setting as described beginning on Page 2 of this Section.