

Table of Contents

State/Territory Name: NM

State Plan Amendment (SPA) #: 24-0008

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form (with 179-like data)
- 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

December 9, 2024

Dana Flannery
Director
Medical Assistance Division
New Mexico Human Services Department
2025 South Pacheco Drive
Santa Fe, New Mexico 87504-2348

Re: New Mexico State Plan Amendment (SPA) – 24-0008

Dear Director Flannery:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 24-0008. This amendment proposes to authorize the Qualified Applied Behavioral Analyst Board (QABA) as an acceptable certification for the Board-Certified Behavioral Analyst (BCBA) requirement.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act. This letter informs you that New Mexico's Medicaid SPA TN 24-0008 was approved on December 9, 2024, with an effective date of October 1, 2024.

Enclosed are copies of Form CMS-179 and approved SPA pages to be incorporated into the New Mexico State Plan.

If you have any questions, please contact Dana Brown at (410) 786-0421 or via email at Dana.Brown@cms.hhs.gov.

Sincerely,

James G. Scott, Director
Division of Program Operations

Enclosures

cc: Valerie.Tapia@hca.nm.gov
Dana.Flannery@hca.nm.gov

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

1. TRANSMITTAL NUMBER

2 4 — 0 0 0 8

2. STATE

NM3. 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

10/01/2024

5. FEDERAL STATUTE/REGULATION CITATION

1905 (a) of the Social Security Act

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 25 \$ 0b. FFY 26 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

State Supplement A to Attachment 3.1 A page 5j
State Supplement A to Attachment 3.1 A page 5k
State Supplement A to Attachment 3.1 A page 5l8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable)State Supplement A to Attachment 3.1 A page 5j (22-0022)
State Supplement A to Attachment 3.1 A page 5k (22-0022)
State Supplement A to Attachment 3.1 A page 5l (22-0022)

9. SUBJECT OF AMENDMENT

To authorize the Qualified Applied Behavioral Analyst Board (QABA) as an acceptable certification for the Board Certified Behavioral Analyst (BCBA) requirement.

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:

Authority Delegated to the Medicaid Director

F STATE AGENCY OFFICIAL

12. TYPED NAME

Dana Flannery

13. TITLE

Director, Medical Assistance Division

14. DATE SUBMITTED

10/18/2024

15. RETURN TO

Medical Assistance Division
PO Box 2348
Santa Fe, NM 87504-2348**FOR CMS USE ONLY**

16. DATE RECEIVED

10/18/2024

17. DATE APPROVED

December 9, 2024**PLAN APPROVED - ONE COPY ATTACHED**

18. EFFECTIVE DATE OF APPROVED MATERIAL

10/01/20241

20. TYPED NAME OF APPROVING OFFICIAL

James G. Scott

21. TITLE OF APPROVING OFFICIAL

Director, Division of Program Operations

22. REMARKS

Amount, Duration and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy

State Supplement A to Attachment 3.1A

Page 5j

- e) Have advanced training in differential diagnosis of ASD from other developmental, psychiatric, and medical disorders; and
- f) Sign an attestation form affirming that all provider criteria, as outlined above, have been and will continue to be met; and when requested, provide documentation substantiating training, experience, licensure and/or certification.

Stage 2 AI Services

Following the completion of an ISP that includes a recommendation for AI Stage 2 services, a Behavior Analyst (BA) conducts a Behavior Analytic Assessment specific to Stage 2 to determine the need for skill acquisition and behavior reduction. From this determination, goals and intervention services are developed specific to ASD and detailed in the Autism Intervention Treatment Plan (AITP).

Stage 2 Service Description

A BA conducts a Behavior Analytic Assessment that incorporates assessment strategies and assessment measures that are developmentally appropriate for the individual must identify strengths and weaknesses across domains. The information from such a process is the basis for developing the individualized AITP. A Behavior Analytic Assessment utilizes information from multiple methods and multiple informants, such as:

- a) Direct observation, measurement, and recording of behavior are defining characteristics of AI services. The information gathered serves as the primary basis for identifying pre-treatment levels, discharge goals, and evaluation of response to an AITP. They also assist the BA in developing and adapting treatment protocols on an ongoing basis.
- b) The assessments reflect the goal of treatment and are responsive to ongoing information updates as they are collected and analyzed.
- c) The individual, legal guardians, caregivers and other professionals are included when selecting treatment goals, protocols, and evaluating progress as appropriate. Interviews with the individual, legal guardian and caregiver, rating scales, and validity measures are used to assess the perceptions of the individual's skill deficits and behavioral excesses, and the extent to which these deficits and excesses impede the functioning of the individual and their family.

Treatment may vary in terms of intensity and duration, the complexity and range of treatment goals, and the extent of direct treatment provided.

- a) Many variables, including the number of behavioral targets, specific aspects of those behaviors, and the individual's response to treatment protocols help determine which treatments, interventions, and behavior modification services most appropriate for the individual. Although existing on a continuum, a combination of treatments, interventions, and behavior modification services can be generally categorized as Focused AI services or Comprehensive AI approach to services. The differences between these two general approaches are in regard to the age, intensity, duration, and frequency of services most appropriate for the individual.
- b) Once the Behavior Analytic Assessment has been executed and responses and information have been gathered, the BA must select goals for intervention and determine how these goals will be measured. The AITP must identify all target behaviors that are to be addressed by the Behavior Analyst Certification Board's (BACB's) Board Certified Assistant Behavior Analyst (BCaBA), Behavior Technician (BT), the Qualified Applied Behavioral Analyst Board (QABA), and/or the BA directly.
- c) The AITP includes, when appropriate, a goal of working with the family or caregivers of the individual in order to assist with the acquisition, maintenance, and generalization of functional skills.

Stage 2 AI Services Practitioner Requirements

In order for an AP to have an approved MAD PPA, an AP must meet the following requirements in order to be eligible for reimbursement for provision of a Stage 2 Behavior Analytic Assessment and then the completion of an AITP:

- a) A Board Certified Behavior Analyst® (BCBA®) or Board Certified Behavior Analyst-Doctoral®

State Supplement A to Attachment 3.1A

Page 5k

(BCBA-D®) by the Behavior Analyst Certification Board (BACB®) and the Qualified Applied Behavioral Analyst Board (QABA). A BCBA or BCBA-D may supervise other BAs, BCaBAs and BTs.

- b) A licensed psychologist with documented education and experience in behavior analysis. A psychologist may supervise BAs, BCaBAs and BTs. The documentation required is:
 - 1. A professional credential issued by the Board of Psychologist Examiners of the New Mexico Regulation and Licensing Department (RLD).
 - 2. Documentation of education and training in behavior analysis comparable to that required to be eligible to take an examination for BCBA® or BCBA-D® certification including education, supervised experiential training, and continuing education requirements with completion of graduate level instruction in the following behavior analytic content areas: Ethical and professional conduct (at least 45 classroom hours); concepts and principles of behavior analysis (at least 45 classroom hours); research methods in behavior analysis including measurement (at least 25 classroom hours), experimental design (at least 20 classroom hours); AI services including identification of the problem and assessment (at least 30 classroom hours); fundamental elements of behavior change and specific behavior change procedures (at least 45 classroom hours); intervention and behavior change consideration (at least 10 classroom hours); behavior change systems (at least 10 classroom hours); implementation, management and supervision (at least 10 classroom hours); and discretionary coursework (at least 30 classroom hours).
 - 3. Completion of supervised experience in the design and delivery of AI services. The practitioner must have a significant portion of his or her supervised experience (at least 1/3) accrued with an ASD or closely related (e.g., Fragile X, Intellectual Disability) population.
 - 4. In addition, a psychologist rendering services as a BA must have completed supervised independent field work in AI services (non-university based) of at least 1500 hours, or practicum experience in AI services (university based) of at least 1000 hours, or intensive AI services practicum experience (university based) of at least 750 hours, and completion of at least 32 hours of continuing education in behavior analysis within a two year cycle period.
- c) An AI services Practitioner/Supervisor is a BA who is not a BCBA or psychologist:
Stage 2 and 3 AI services may be delivered and/or supervised by a practitioner who has the minimum qualifications listed below. The practitioner must provide documentation of the following:
 - 1. A master's degree which the BACB® or QABA recognizes and would lead to certification as a BCBA;
 - 2. New Mexico licensure, as appropriate for degree and discipline;
 - 3. Clinical experience and supervised training in the evidence-based treatment of children with ASD, specifically AI services; and
 - 4. Experience in supervising direct support personnel in the delivery and evaluation of AI services.

Stage 3 AI Services

The BA, BCaBA and the BT deliver the treatments, interventions, and behavior modification services as Stage 3 AI services in home, clinic, schools and community-based settings.

Stage 3 AI Services Service Description

The following treatment and intervention services are rendered in the Stage 3:

- a) Increasing appropriate behavior via reinforcement. Treatment, intervention and behavior modification services include Positive and Negative Behavior Reinforcement.
- b) Promoting stimulus control via differential reinforcement. Treatment, intervention and behavior modification services include Differential Reinforce and Matching to Sample.
- c) Promoting appropriate behavior via stimulus change. Treatment, intervention and behavior modification services include Goal Setting; Modeling and Imitation Training; Instruction and Rules; Prompt and Prompt Fading; Prompting to Transfer; and Expand Stimulus Control.
- d) Procedures for maintaining behavior. Treatment, intervention and behavior modification services include Schedules of Reinforcement.

Amount, Duration and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy

State Supplement A to Attachment 3.1A

Page 51

- e) Teaching new behaviors: Treatment, intervention and behavior modification services include Shaping; Chaining; Task Analysis; Discrete Trial Teaching; Verbal Behavior; Echoic Training; Mand Training; Tact Training; Intraverbal Training; Listener Training; Discrete Trial Teaching; and Verbal Behavior.
- f) Preventing and reducing maladaptive behavior: Treatment, intervention and behavior modification services include Antecedent Methods and Procedural Packages for Preventing or Reducing Maladaptive Behavior; Redirecting; Use Activity Schedule; Distracting with a Preferred Event; Behavioral Momentum/High-Probability Request Sequence; Providing Choice; Reducing Response Effort; Applying Non-Contingent Reinforcement; Modeling; Social Stories; and Social Skills Training.
- g) Consequential methods for reducing maladaptive behavior: Treatment, intervention and behavior modification services include Differential Reinforcement of Alternative Behaviors; Differential Reinforcement of Other Behavior or Omission Training; Differential Reinforcement of Low Rates; Differential Reinforcement of Diminishing Rates; Response Cost; Time Out; Overcorrection; Negative Practice; Punishment; Manipulation of Antecedents; Stimulus Equivalence; Stimulus Generalization Training; Behavioral Contrast Effects; Matching Law and Factors Influencing Choice; High Probability Request Sequence/Behavior Momentum; Premack Principle; Errorless Learning; and Matching to Sample.
- h) Extinction: Treatment, intervention and behavior modification services include Differential Reinforcement of Alternative Behaviors.
- i) Behavior-change systems: Treatment, intervention and behavior modification services include Self-management Strategies; Token Systems and Other Conditioned Reinforcement Systems; Direct Instruction; Precision Teaching; Personalized Systems of Instruction; Incidental Teaching; Functional Communication Training; Natural Environment Teaching; Lovaas Model of AIS; Augmentative Communication; PECS (Picture Exchange Communication Systems).

Stage 3 AI Services Practitioner Requirements

The practitioners who render Stage 3 services are BAs who have the qualifications described above, and a BT. A BT must receive at least one hour of case supervision from the BA for every 10 hours of intervention the BT renders per individual. BTs must:

- a) Be a Registered Behavioral Technician® (RBT®) by the BACB®; or
- b) A Board Certified Autism Technician (BCAT) by the Behavioral Intervention Certification Council (BICC); or
- c) An Applied Behavior Analysis Technician (ABAT) by the Qualified Applied Behavior Analysis Credentialing Board (QABA); or
- d) Have documented training in Behavior Analysis without (RBT®) credentials and meet the following requirements:
 - 1. Be at least 18 years of age;
 - 2. Possess a minimum of a high school diploma or equivalent;
 - 3. Complete a minimum of four hours of training in ASD including training on prevalence, etiology, core symptoms, characteristics, and learning differences;
 - 4. Complete at least 40 hours of training in AI toward the requirements for RBT® credentialing by BACB®.