

Table of Contents

State/Territory Name: **New York**

State Plan Amendment (SPA) #: **21-0049**

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
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

April 12, 2022

Brett Friedman
Acting State Medicaid Director
New York State Department of Health
99 Washington Ave- One Commerce Plaza, Suite 1432
Albany, NY 12210

Re: New York State Plan Amendment (SPA) 21-0049

Dear Director Friedman:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number NY-21-0049. This SPA proposes to add pharmacy interns to Other Practitioner Services, under section Pharmacists and Pharmacy Interns as Immunizers. Also, this SPA proposes to reimburse for Diabetes Self-Management Training (DSMT) services for persons diagnosed with diabetes when such services are ordered by a physician, registered physician assistant, registered nurse practitioner, or licensed midwife and provided by a licensed, registered, or certified health care professional.

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 NY Medicaid SPA 21-0049 was approved on April 11, 2022, with an effective date of July 1, 2021.

If you have any questions, please contact, LCDR Frankeena McGuire or via email at Frankeena.McGuire@cms.hhs.gov.

Sincerely,

A solid black rectangular box redacting the signature of Ruth A. Hughes.

Ruth A. Hughes, Acting Director
Division of Program Operations

cc: Regina Deyette, NYDOH

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

1. TRANSMITTAL NUMBER

2 1 — 0 0 4 9

2. STATE

New York

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

July 1, 2021

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

§ 1902(a) of the Social Security Act and 42 CFR 447

7. FEDERAL BUDGET IMPACT

a. FFY 07/01/21-09/30/21 \$ 0.00
b. FFY 10/01/21-09/30/22 \$ 107.31

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A Supplement: Page 2(xiv)(a) , 2(c.1.3), 2(c.1.4)
Attachment 3.1-B Supplement: Page 2(xiv)(a) , 2(c.1.3), 2(c.1.4)
Attachment 4.19-B: Page 4(f)(1), 4(f)(1)(i)

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (*If Applicable*)

Attachment 3.1-A Supplement: Page 2(xiv)(a)
Attachment 3.1-B Supplement: Page 2(xiv)(a)
Attachment 4.19-B: Page 4(f)(1)

10. SUBJECT OF AMENDMENT

Pharmacy Interns as Immunizers/DSMT
FMAP=50%

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

12. SIGNATURE OF STATE AGENCY OFFICIAL

[Redacted Signature]

13. TYPED NAME

Brett Friedman

14. TITLE

Acting Medicaid Director, Department of Health

15. DATE SUBMITTED

September 30, 2021

16. RETURN TO

New York State Department of Health
Division of Finance and Rate Setting
99 Washington Ave – One Commerce Plaza
Suite 1432
Albany, NY 12210

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED

September 30, 2021

18. DATE APPROVED

04/11/2022

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL

July 1, 2021

20. SIGNATURE OF REGIONAL OFFICIAL

[Redacted Signature]

21. TYPED NAME

Ruth A. Hughes

22. TITLE

Acting Director, Division of Program Operations

23. REMARKS

**New York
2(c.1.3)**

13c. Preventive Services

Diabetes Self-Management Training (DSMT)

Effective on or after October 1, 2021, Medicaid will provide coverage for Diabetes Self-Management Training (DSMT) services rendered to Medicaid members diagnosed with diabetes. Diabetes is a chronic disease requiring a person with the disease to make a multitude of daily self-management decisions and perform complex care activities. Diabetes self-management training and support provides the foundation to help people with diabetes to navigate these decisions and activities and has been shown to improve health outcomes. DSMT is an evidence-based intervention that facilitates the knowledge and skills necessary to help aid people with diabetes to allow them to optimize their ability to effectively self-manage their disease. DSMT services are provided as preventive services pursuant to 42 C.F.R. Section 440.130(c) and must be recommended by a physician or other licensed practitioner of the healing arts within his or her scope of practice under state law to prevent the progression or complication of diabetes, promote optimal metabolic control, prevent and manage complications, and ultimately to prolong and maximize the member's quality of life.

DSMT services can be provided in individual or group sessions of no more than eight members. Beneficiaries are eligible to receive 10 hours, or 20 units, of DSMT for newly diagnosed members or members with a medically complex condition. Medically stable members can receive up to 1 hour, or 2 units, of DSMT in a continuous six-month period. In all cases, any service limitations pertaining to the amount, duration or scope of these services may be exceeded based on medical necessity and/or clinical appropriateness.

Provider Participation Standards:

1. DSMT services must be rendered by a program that meets the quality standards of one of the Centers for Medicare & Medicaid Services (CMS) approved National Accreditation Organizations (NAOs), such as:
 - The American Diabetes Association (ADA);
 - The Association of Diabetes Care & Education Specialists (ADCES) (formerly known as the American Association of Diabetes Educators (AADE)); and
 - Indian Health Services (IHS).
2. DSMT services must be rendered under the programmatic accreditation/recognition of a CMS-approved NAO, and may be performed by one of the following practitioners:
 - a. A Certified Diabetes Educator (CDE) that has received certification by the Certification Board for Diabetes Care and Education (CBDCE) (formerly known as the National Certification Board for Diabetes Educators), or also by any New York State (NYS) Medicaid enrolled licensed, registered; or

TN #21-0049

Approval Date April 11, 2022

Supersedes TN NEW

Effective Date July 1, 2021

**New York
2(c.1.4)**

13c. Preventive Services

Diabetes Self-Management Training (DSMT) (continued)

b. A NYS licensed, registered, or certified professionals who is affiliated with the DSMT program in one of the following professional disciplines:

- Registered Nurse;
- Registered Nurse Practitioner;
- Registered Dietitian;
- Physician (MD, DO);
- Pharmacist;
- Physician Assistant;
- Physical Therapist;
- Clinical Psychologist;
- Optometrist;
- Occupational Therapist; or
- Podiatrist.

TN #21-0049 Approval Date April 11, 2022
Supersedes TN NEW Effective Date July 1, 2021

**New York
2(xiv)(a)**

6d. Other Practitioner Services (Continued)

Pharmacists and Pharmacy Interns as Immunizers

1. Reimbursement will be provided to pharmacies for vaccines and anaphylaxis agents administered by certified pharmacists and effective on or after July 1, 2021, certified pharmacy interns within the scope of their practice.
2. Service setting.
Services will be provided by a certified pharmacist or a certified pharmacy intern under the supervision of a certified pharmacist in a pharmacy or in other locations where mass immunization may take place, such as retail stores/outlets, assisted living centers, and health fairs.
3. Provider qualifications.
Pharmacists must be currently licensed, registered and certified by the NYS Education Department to administer immunizations. Pharmacy interns must currently possess an active limited permit and a certification to administer immunizations, both of which must be issued by the NYS Education Department.

TN #21-0049 Approval Date April 11, 2022

Supersedes TN #11-73 Effective Date July 1, 2021

**New York
2(c.1.3)**

13c. Preventive Services

Diabetes Self-Management Training (DSMT)

Effective on or after October 1, 2021, Medicaid will provide coverage for Diabetes Self-Management Training (DSMT) services rendered to Medicaid members diagnosed with diabetes. Diabetes is a chronic disease requiring a person with the disease to make a multitude of daily self-management decisions and perform complex care activities. Diabetes self-management training and support provides the foundation to help people with diabetes to navigate these decisions and activities and has been shown to improve health outcomes. DSMT is an evidence-based intervention that facilitates the knowledge and skills necessary to help aid people with diabetes to allow them to optimize their ability to effectively self-manage their disease. DSMT services are provided as preventive services pursuant to 42 C.F.R. Section 440.130(c) and must be recommended by a physician or other licensed practitioner of the healing arts within his or her scope of practice under state law to prevent the progression or complication of diabetes, promote optimal metabolic control, prevent and manage complications, and ultimately to prolong and maximize the member's quality of life.

DSMT services can be provided in individual or group sessions of no more than eight members. Beneficiaries are eligible to receive 10 hours, or 20 units, of DSMT for newly diagnosed members or members with a medically complex condition. Medically stable members can receive up to 1 hour, or 2 units, of DSMT in a continuous six-month period. In all cases, any service limitations pertaining to the amount, duration or scope of these services may be exceeded based on medical necessity and/or clinical appropriateness.

Provider Participation Standards:

1. DSMT services must be rendered by a program that meets the quality standards of one of the Centers for Medicare & Medicaid Services (CMS) approved National Accreditation Organizations (NAOs), such as:
 - The American Diabetes Association (ADA);
 - The Association of Diabetes Care & Education Specialists (ADCES) (formerly known as the American Association of Diabetes Educators (AADE)); and
 - Indian Health Services (IHS).
2. DSMT services must be rendered under the programmatic accreditation/recognition of a CMS-approved NAO, and may be performed by one of the following practitioners:
 - a. A Certified Diabetes Educator (CDE) that has received certification by the Certification Board for Diabetes Care and Education (CBDCE) (formerly known as the National Certification Board for Diabetes Educators), or also by any New York State (NYS) Medicaid enrolled licensed, registered; or

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**New York
2(c.1.4)**

13c. Preventive Services

Diabetes Self-Management Training (DSMT) (continued)

b. A NYS licensed, registered, or certified professionals who is affiliated with the DSMT program in one of the following professional disciplines:

- Registered Nurse;
- Registered Nurse Practitioner;
- Registered Dietitian;
- Physician (MD, DO);
- Pharmacist;
- Physician Assistant;
- Physical Therapist;
- Clinical Psychologist;
- Optometrist;
- Occupational Therapist; or
- Podiatrist.

TN #21-0049 Approval Date April 11, 2022
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**New York
2(xiv)(a)**

6d. Other Practitioner Services (Continued)

Pharmacists and Pharmacy Interns as Immunizers

1. Reimbursement will be provided to pharmacies for vaccines and anaphylaxis agents administered by certified pharmacists and effective on or after July 1, 2021, certified pharmacy interns within the scope of their practice.
2. Service setting.
Services will be provided by a certified pharmacist or a certified pharmacy intern under the supervision of a certified pharmacist in a pharmacy or in other locations where mass immunization may take place, such as retail stores/outlets, assisted living centers, and health fairs.
3. Provider qualifications.
Pharmacists must be currently licensed, registered and certified by the NYS Education Department to administer immunizations. Pharmacy interns must currently possess an active limited permit and a certification to administer immunizations, both of which must be issued by the NYS Education Department.

TN #21-0049 **Approval Date** April 11, 2022

Supersedes TN #11-73 **Effective Date** July 1, 2021

New York
Page 4(f)(1)

**Pharmacists and Pharmacy Interns as Immunizers
1905(a)(13)**

The fee schedule is developed by the Department of Health and approved by the Division of Budget. State developed fee schedules are the same as the fee schedule established for Physicians. Pharmacies participating in the New York State Medicaid program are reimbursed a vaccine administration fee established at the same rate paid to physicians. The reimbursement to the pharmacy is on behalf of the employee who is certified, either the licensed pharmacist or effective on or after July 1, 2021, permitted pharmacy intern, who administers the vaccine. Except as otherwise noted in the plan, state developed fee schedules are the same for both governmental and private providers. The fee schedule and any annual/periodic adjustments to the fee schedule are published in the official New York State pharmacy provider manual, which can be found at:

https://www.health.ny.gov/health_care/medicaid/program/phar_immun_fact.htm

The agency's fee schedule is effective for services provided on or after October 15, 2009.

**Diabetes Self-Management Training (DSMT)
1905(a)(13)**

The fee schedule is developed by the Department of Health and approved by the Division of Budget. State-developed fee schedules are the same as the fee schedule established for physicians. The fee schedule and any annual/periodic adjustments to the fee schedule are published in the official New York State physician provider manual, which can be found at:

https://www.emedny.org/ProviderManuals/Physician/PDFS/Physician_Manual_Fee_Schedule_Se ct2.xls

The agency's fee schedule is effective for services provided on or after July 1, 2011.

Pharmacies participating in the New York State Medicaid program are reimbursed for Diabetes Self-Management Training (DSMT) at the same rate paid to physicians. The reimbursement to the pharmacy, which is accredited by a CMS approved national accreditation organization (NAO) such as the American Diabetes Association (ADA), American Association of Diabetes Educators (AADE) or Indian Health Services (IHS) is on behalf of the employed pharmacist who, as the licensed practitioner, is the DSMT Educator.

TN #21-0049

Approval Date April 11, 2022

Supersedes TN #11-73

Effective Date July 1, 2021

New York
Page 4(f)(1)(i)

Diabetes Self-Management Training (DSMT) (continued)
1905(a)(13)

Effective on or after October 1, 2021, Medicaid will reimburse DSMT services for persons diagnosed with diabetes when such services are ordered by a physician, registered physician assistant, registered nurse practitioner, or licensed midwife, and provided by a licensed, registered, or certified health care professional, as determined by the commissioner of health who is affiliated with a DSMT program that has been accredited, or recognized, by a CMS-approved National Accreditation Organization (NAO). Currently, CMS recognizes the American Diabetes Association (ADA), the Association of Diabetes Care & Education Specialists (ADCES) (formerly known as the American Association of Diabetes Educators), and Indian Health Services as approved NAOs. The ADCES uses the term "accreditation," while ADA uses the term "recognition."

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of DSMT services. The agency's fee rate schedule is effective for services provided on or after 1/1/2009. All rates are published online at:

- https://www.emedny.org/ProviderManuals/Physician/PDFS/Physician_Manual_Fee_Schedule_Sect2.xls;
- https://www.emedny.org/ProviderManuals/NursePractitioner/PDFS/Nurse_Practitioner_Fee_Schedule.xls;
- https://www.emedny.org/ProviderManuals/Midwife/PDFS/Midwife_Fee_Schedule.xls;
- https://www.emedny.org/ProviderManuals/ClinicalPsych/PDFS/Clinical_Psychology_Fee_Schedule.pdf;
- https://www.emedny.org/ProviderManuals/Podiatry/PDFS/Podiatry_Fee_Schedule.xls; and
- https://www.emedny.org/ProviderManuals/VisionCare/PDFS/VisionCare_Fee_Schedule.xls

TN #21-0049

Approval Date April 11, 2022

Supersedes TN #NEW

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