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State/Territory Name: New York

State Plan Amendment (SPA) #: 22-0045

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
September 23, 2022

Amir Bassiri
Medicaid Director
Office of Health Insurance Programs
New York State Department of Health
One Commerce Plaza Rm. 1605
Albany, NY 12237

Re: New York State Plan Amendment (SPA) NY-22-0045

Dear Director Bassiri:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) NY-22-0045. This amendment proposes to reimburse licensed mental health counselors and licensed marriage and family therapists to bill Medicaid directly for services provided within their scope of practice.

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 New York Medicaid SPA 22-0045 was approved on September 23, 2022, with an effective date of July 1, 2022.

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

Sincerely,

James G. Scott, Director
Division of Program Operations

cc: Regina Deyette, NYDOH
TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES

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

1. TRANSMITTAL NUMBER 22-0045
2. STATE New York
3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)
4. PROPOSED EFFECTIVE DATE July 1, 2022

5. TYPE OF PLAN MATERIAL (Check One)
   - NEW STATE PLAN
   - AMENDMENT TO BE CONSIDERED AS NEW PLAN
   - AMENDMENT

6. FEDERAL STATUTE/REGULATION CITATION
   Section 1905(a)(6) of the Social Security Act, and 42 C.F.R. §440.60

7. FEDERAL BUDGET IMPACT
   a. FFY 07/01/22-09/30/22 $743,390.00
   b. FFY 10/01/22-09/30/23 $2,973,559.00

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
   Attachment: 3.1-A Supplement: Page 2(xv)(4)
   Attachment: 3.1-B Supplement: Page 2(xv)(4)
   Attachment: 4.19-B Page 1(a)(ii)(d)

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)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

10. SUBJECT OF AMENDMENT
    Licensed Mental Health Practitioners (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

13. TYPED NAME Amir Bassiri

14. TITLE Acting Medicaid Director, Department of Health

15. DATE SUBMITTED June 30, 2022

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

17. DATE RECEIVED June 30, 2022

18. DATE APPROVED 09/23/2022

19. EFFECTIVE DATE OF APPROVED MATERIAL July 1, 2022

20. SIGNATURE

21. TYPED NAME James G. Scott

22. TITLE Director, Division of Program Operations

23. REMARKS
1905(a)(6) Medical Care, Or Any Other Type of Remedial Care

6d. Other Practitioner Services

In accordance with § 42 CFR 440.60(a), the following licensed mental health practitioners are covered, as defined by New York State law: Licensed Mental Health Counselors (LMHCs) while acting within their scope of practice, and for services rendered by LMHC limited permit holders under the supervision of a LMHC, and Licensed Marriage and Family Therapists (LMFTs) while acting within their scope of practice, and for services rendered by LMFT limited permit holders under the supervision of a LMFT.

In accordance with NYS Education Law, the supervision of LMHC limited permit holders under the supervision of a LMHC, and the supervision of LMFT limited permit holders under the supervision of a LMFT, is within the scope of practice of the LMHC and LMFT.
New York
2(xv)(4)

1905(a)(6) Medical Care, Or Any Other Type of Remedial Care

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In accordance with NYS Education Law, the supervision of LMHC limited permit holders under the supervision of a LMHC, and the supervision of LMFT limited permit holders under the supervision of a LMFT, is within the scope of practice of the LMHC and LMFT.
1905(a)(6) Medical Care, Or Any Other Type of Remedial Care

Licensed Clinical Social Workers (LCSWs)

The state Medicaid program reimburses for services provided by a Licensed Mental Health Counselor (LMHC) operating within their scope of practice, and for services rendered by LMHC limited permit holders under the supervision of a LMHC.

The Medicaid fee schedule for LMHCs is effective for services provided on or after 4/1/2022. All rates are published online at:
• https://itf.www.emedny.org/ProviderManuals/LMHP/PDFS/LMHP_Procedure_Codes_Fee_Schedule.pdf

Licensed Marriage and Family Therapists

The state Medicaid program reimburses for services provided by a Licensed Marriage and Family Therapist (LMFT) operating within their scope of practice, and for services rendered by LMFT limited permit holders under the supervision of a LMFT.

Additional information on limited permits will be found on the New York State Education (NYSED) web page, available at:
• http://www.op.nysed.gov/prof/sw/part74.htm#lim

The Medicaid fee schedule for LMFTs is effective for services provided on or after 4/1/2022. All rates are published online at:
• https://itf.www.emedny.org/ProviderManuals/LMHP/PDFS/LMHP_Procedure_Codes_Fee_Schedule.pdf