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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

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 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,

A large black rectangular redaction box covers the signature area.

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**

1. TRANSMITTAL NUMBER

2 2 — 0 0 4 5

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, 2022

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

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

OTHER, AS SPECIFIED

COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

AGENCY OFFICIAL

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

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED

June 30, 2022

18. DATE APPROVED

09/23/2022

PLAN APPROVED - ONE COPY ATTACHED

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

**New York
2(xv)(4)**

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.

TN #22-0045
Supersedes TN #NEW

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**New York
2(xv)(4)**

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New York
1(a)(ii)(d)

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

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