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State/Territory Name: Oklahoma

State Plan Amendment (SPA) #: 21-0019

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS Form 179
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 East 12th Street, Suite 355
Kansas City, Missouri 64106-2898



Medicaid & CHIP Operations Group

June 8, 2021

Melody Anthony
State Medicaid Director
Oklahoma Health Care Authority
Oklahoma City, OK 73105

Dear Ms. Anthony:

On May 6, 2021, the Centers for Medicare & Medicaid Services (CMS) received Oklahoma State Plan (SPA) No. 21-0019. This SPA was submitted to modify the Other Licensed practitioner benefit to allow licensed psychologists to render applied behavior analysis (ABA) services within state scope of practice without previous ABA related national certification requirements. This action will allow additional state licensed psychologists to provide services within state scope of practice, permissible under the OLP benefit and will likely increase the provider pool, which would be beneficial to Medicaid eligible children with autism.

We are pleased to inform you that SPA 21-0019 was approved on May 19, 2021, with an effective date of September 1, 2021, as requested by the state. Enclosed is a copy of the CMS 179 summary form, as well as the approved pages for incorporation into the Oklahoma State Plan.

If you have any questions regarding this matter you may contact Deborah Read (816) 426-5925 or by e-mail at Deborah.read@cms.hhs.gov.

Sincerely,

Digitally signed by James G. Scott
-S
Date: 2021.06.08 15:36:49 -05'00'

James G. Scott, Director
Division of Program Operations

Enclosures

cc: Kasie McCarty, Oklahoma Health Care Authority
Sophia Hinojosa, Program Branch Manager

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

1. TRANSMITTAL NUMBER

2 1 — 0 0 1 9

2. STATE

Oklahoma

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL
SECURITY ACT (MEDICAID)TO: REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES4. PROPOSED EFFECTIVE
DATE
September 1, 20215. TYPE OF PLAN MATERIAL (*Check One*)☐ NEW STATE PLAN☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN☒ AMENDMENTCOMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate transmittal for each amendment*)6. FEDERAL STATUTE/REGULATION CITATION
42 CFR Part 440.60

7. FEDERAL BUDGET IMPACT

a. FFY 2021 \$ 0b. FFY 2022 \$ 0

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A, Page 1a-6.1

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

Attachment 3.1-A, Page 1a-6.1 - TN# 20-0013

10. SUBJECT OF AMENDMENT

This SPA will allow licensed psychologists to render applied behavior analysis (ABA) services without additional ABA-related certification requirements.

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

12. SIGNATURE OF STATE AGENCY OFFICIAL

13. TYPED NAME
Melody Anthony14. TITLE
State Medicaid Director15. DATE SUBMITTED
5/6/2021

16. RETURN TO

Oklahoma Health Care Authority
Attn: Traylor Rains
4345 N. Lincoln Blvd.
Oklahoma City, OK 73105**FOR REGIONAL OFFICE USE ONLY**

17. DATE RECEIVED 5/6/2021

18. DATE APPROVED May 19, 2021

PLAN APPROVED - ONE COPY ATTACHED19. EFFECTIVE DATE OF APPROVED MATERIAL
9/1/2021

20. SIGNATURE OF REGIONAL OFFICIAL

igitally signed by James G. Scott -S
ate: 2021.06.08 15:37:36 -05'00'

21. TYPED NAME James G. Scott

22. TITLE Director, Division of Program Operations

23. REMARKS

**AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED
CATEGORICALLY NEEDY**

4b. Early and Periodic Screening, Diagnosis and Treatment of Conditions Found *(continued)***B. Diagnosis and Treatment**

The following diagnosis and treatment services are provided in addition to any diagnosis and treatment services covered elsewhere in the plan:

1. Medical or Other Remedial Care by Licensed Practitioners (42 CFR 440.60)

- (a) **Optometric Services** – Services for defects in vision including eyeglasses by State licensed optometrist.
- (b) **Podiatrists Services** – Payment is made for medically necessary surgical procedures and medically necessary outpatient visits and procedures generally considered as preventive foot care provided by a Doctor of Podiatric Medicine (DPM). Services beyond this limitation are available if as a result of a screening they are determined to be medically necessary and prior authorized.
- (c) **Nursing Services** – Nursing services must be provided by a registered nurse or licensed practical nurse under supervision of a registered nurse. Services may include medically necessary procedures rendered in the child's home.
- (d) **Licensed Behavioral Health Practitioner Services** – Services provided under the scope of their licensure by clinical psychologists and master's level behavioral practitioners who can bill independently using the appropriate Physician's Current Procedure Terminology (CPT) codes in an outpatient setting.
- (e) **Applied Behavior Analysis (ABA)** – ABA services must be medically necessary and prior authorized by OHCA or its designated agent. Eligible ABA provider types include:
 - i. **Board Certified Behavior Analyst® (BCBA®)** – A master's or doctoral level independent practitioner who is certified by the national-accrediting Behavior Analyst Certification Board® (BACB) and licensed by Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) provide behavior analysis services. A BCBA may supervise the work of a Board Certified Assistant Behavior Analyst® (BCaBA) and a Registered Behavior Technician (RBT) implementing behavior analytic interventions within their scope of practice and assumes professional responsibility for services rendered by the non-licensed practitioner.
 - ii. **Board Certified Assistant Behavior Analyst® (BCaBA®)** – A bachelor's level practitioner who is certified by the national-accrediting BACB and is certified by the Oklahoma DHS DDS to provide behavior analysis services under the supervision of a licensed BCBA.
 - iii. **Registered Behavior Technician™ (RBT®)** – A high school level or higher paraprofessional who is certified by the national-accrediting BACB and practices under the close and ongoing supervision of a BCBA. A RBT® is primarily responsible for the direct implementation of BCBA® designed behavior-analytic services.
 - iv. **State-licensed Psychologist** – An Oklahoma state-licensed individual who is in good standing with the Oklahoma Board of Examiners of Psychologists providing ABA services within their scope of practice as defined under State law.
 - v. **State-licensed human services professional** – An Oklahoma state-licensed individual practicing within the scope of their human service profession as defined by State law and who is certified by the national-accrediting BACB, to include:
 - (A) A licensed physical therapist;
 - (B) A licensed occupational therapist;
 - (C) A licensed clinical social worker or social worker candidate under the supervision of a licensed clinical social worker
 - (D) A licensed speech-language pathologist or licensed audiologist;
 - (E) A licensed professional counselor or professional counselor candidate under the supervision of a licensed professional counselor;
 - (F) A licensed marital and family therapist or marital and family therapist candidate under the supervision of a licensed marital and family therapist; or
 - (G) A licensed behavioral practitioner or behavioral practitioner candidate under the supervision of a licensed behavioral practitioner.

2. Medical supplies, equipment, appliances and prosthetic devices (42 CFR 440.70 & 42 CFR 440.120). Services and supplies not otherwise available to Medicaid clients in the state under the state plan when prior authorized.**3. Diagnostic Services (42 CFR 440.130(a))**

(a) **Investigations to Determine Source of Lead.** A one-time investigation to determine the source of lead for a child diagnosed with elevated blood lead levels. Reimbursement does not include testing the water, soil, or paint. In accordance with the rules established by the Oklahoma Department of Environmental Quality (DEQ), a qualified Risk Assessor must perform the service.

4. Clinic Services (42 CFR 440.90)**(a) Public Health Clinic Services**

Revised 09-01-21