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State/Territory Name: Oklahoma

State Plan Amendment (SPA) #: 23-0015

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS Form 179
- 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

July 25, 2023

Traylor Rains
Oklahoma Health Care Authority
4345 N. Lincoln Blvd.
Oklahoma City, OK 73105

Re: Oklahoma State Plan Amendment (SPA) 23-0015

Dear Mr. Rains:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 23-0015. This amendment proposes to continue the OK SPA 21-0045 disaster relief provisions of independently licensed behavioral health practitioner services provided to adults, and to allow for audio-only service delivery for individual and family psychotherapy services.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations 42 CFR 440.130(d). This letter is to inform you that OK Medicaid SPA 23-0015 was approved on July 24, 2023, with an effective date of May 12, 2023.

If you have any questions, please contact Stacey Steiner at (469) 904-1068 or via email at Stacey.Steiner@cms.hhs.gov.

Sincerely,



James G. Scott, Director
Division of Program Operations

Enclosures

cc: Sandra Puebla
Kasie McCarty
Heather Cox
Jimmy Witcosky

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

1. TRANSMITTAL NUMBER
2 3 — 0 0 1 5

2. STATE
O K

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

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
May 12, 2023 (one date after the COVID-19 PHE ends)

5. FEDERAL STATUTE/REGULATION CITATION
Sections 1902 & 1905 of the SSA & 42 CFR 440.130(d)

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 2023 \$ 489,976.00
b. FFY 2024 \$ 1,170,074.00

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A Page 3a-1a
Attachment 3.1-A Page 6a-1.2
Attachment 3.1-A Page 6a-1.3
Attachment 3.1-A Page 6a-1.3c
Attachment 4.19-B Page 8

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

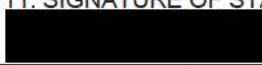
Attachment 3.1-A Page 3a-1a; TN # 15-06
Attachment 3.1-A Page 6a-1.2; TN # 12-02
Attachment 3.1-A Page 6a-1.3; TN # 10-32
Attachment 3.1-A Page 6a-1.3c TN# 10-32
Attachment 4.19-B Page 8; TN # 22-0032

9. SUBJECT OF AMENDMENT
To continue the OK SPA 21-0045 disaster-relief provisions of independently licensed behavioral health practitioner services provided to adults and to allow for audio-only service delivery for individual and family psychotherapy services.

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:
The governor's office does not review state plan material.

11. SIGNATURE OF STATE AGENCY OFFICIAL


12. TYPED NAME
Traylor Rains

13. TITLE
State Medicaid Director

14. DATE SUBMITTED
4/28/2023

15. RETURN TO
Oklahoma Health Care Authority
Attn: Traylor Rains
4345 N. Lincoln Blvd.
Oklahoma City, OK 73105

cc: Sandra Puebla; Kasie McCarty; Heather Cox

FOR CMS USE ONLY

16. DATE RECEIVED
April 28, 2023

17. DATE APPROVED
July 24, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
May 12, 2023

19. SIG 

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 CATEGORICALLY NEEDY**

6.d. Other Licensed Practitioners *(continued)*

G. Licensed Behavioral Health Practitioner Services

Services provided by independently licensed clinical psychologists practicing within state scope of practice are covered when medically necessary.

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

13.d Rehabilitative Services (continued)**13.d.1. Outpatient Behavioral Health Services** (continued)**C. Covered Services** (continued)

The following services are included in the Outpatient Behavioral Health Services and are included in the fee schedule which is kept current on the Agency data base, the Agency library, and are available to the public.

Mental Health Assessment by a Non-Physician – Mental Health Assessment by a Non-Physician includes a history of psychiatric symptoms, concerns and problems, mental health status, psychosocial history, a DSM multi-axial diagnosis for all five Axis, an evaluation of alcohol and other drug use, as well as the client's strengths. A moderate complexity modifier is allowed for clients seeking services. This service is performed by a licensed behavioral health professional (LBHP). Refer to Attachment 3.1-A, Page 6a-1.3a for provider qualifications.

Behavioral Health Services Plan Development by a Non-Physician – This is a process by which the information obtained in the assessment is evaluated and used to develop a service plan that has individualized goals, objectives, activities and services that will enable a client to improve. It is to focus on recovery and must include a discharge plan. This service is conducted by the treatment team, which includes the client and all involved practitioners. Refer to Attachment 3.1-A, Pages 6a-1.3a and b for provider qualifications.

Individual/Interactive Psychotherapy – Individual Psychotherapy is a treatment for mental illnesses and behavioral disturbances in which the clinician, through definitive therapeutic communication attempts to alleviate, reverse or change maladaptive behaviors or emotional disturbances. Interactive Psychotherapy is generally furnished to children or other individuals who lack the expressive language or communication skills necessary to understand the clinician and usually involves the use of equipment or an interpreter. This service is performed by a licensed behavioral health professional (LBHP) or a Certified Alcohol and Drug Counselor (CADC) for substance abuse only. CADC's are permitted to provide Individual/Interactive Psychotherapy for substance abuse only through June 30, 2013. Effective July 1, 2013 all Individual/Interactive Psychotherapy must be provided by LBHPs. Refer to Attachment 3.1-A, Pages 6a-1.3a and 1.3e for provider qualifications.

Family Psychotherapy – Family Psychotherapy is a psychotherapeutic interaction between an LBHP or a CADC for substance abuse only and the client's family, guardian and/or support system. CADC's are permitted to provide family psychotherapy through June 30, 2013; effective July 1, 2013 all family psychotherapy must be provided by LBHP's. It must be performed for the direct benefit of the Medicaid recipient. Refer to Attachment 3.1-A, Pages 6a-1.3a and 1.3e for provider qualifications.

Group Psychotherapy – Group Psychotherapy is a method of treating behavioral disorders using the interaction between two or more individuals and the practitioner or therapist. It is provided by a LBHP or a CADC for substance abuse only. CADCs are permitted to provide group psychotherapy when treating alcohol and other drug disorders only through June 30, 2013; effective July 1, 2013 all group psychotherapy must be provided by LBHPs. Refer to Attachment 3.1-A, Pages 6a-1.3a and 1.3e for provider qualifications.

Revised 05-12-23

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

13.d Rehabilitative Services *(continued)***13.d.1. Outpatient Behavioral Health Services** *(continued)***C. Covered Services** *(continued)*

Psychosocial Rehabilitation Services – Psychosocial Rehabilitation services are behavioral health remedial services that are necessary to improve the client's ability to function in the community. They are performed to improve the client's social skills and ability of the client to live independently in the community. They may be performed in a group or one to one. This service is performed by a Behavioral Health Rehabilitation Specialist (BHRS) or licensed behavioral health professional. Refer to Attachment 3.1-A, Page 6a-1.3b through 1.3d for provider qualifications.

Crisis Intervention Services – Crisis intervention is performed to respond to acute behavioral or emotional dysfunction as evidenced by severe psychiatric distress. It is performed by a behavioral health professional. Refer to Attachment 3.1-A, Page 6a-1.3a and Page 6a-1.3b for provider qualifications.

Psychological Testing – Psychological testing is provided using generally accepted testing instruments in order to better diagnose and treat a client. Refer to Attachment 3.1-A, Page 6a-1.3d for provider qualifications.

Medication Training and Support – Medication Training and Support is a review and educational session performed by a registered nurse or a physician assistant focusing on a client's response to medication and compliance with the medication regimen.

Crisis Intervention Services (facility-based stabilization) – This service is to provide emergency stabilization to resolve psychiatric and/or substance abuse crisis. It includes detoxification, assessment, physician care and therapy. It may only be performed by providers designated and qualified by the ODMHSAS to provide care for the community. Facility-based stabilization crisis intervention facilities must have 16 beds or less.

Alcohol and Drug Assessment – Assessment for alcohol and drug disorders includes an assessment of past and present use, the administration of the Addictions Severity Index, current and past functioning in all major life areas as well as client strengths, weaknesses and treatment preferences. It is performed by a licensed behavioral health professional.

Alcohol and/or Substance Abuse Services Treatment Plan Development – This service is performed by the licensed behavioral health professional and other professionals who comprise the treatment team as well as the client and other resource persons identified by the client. The current edition of the American Society of Addiction Medicine criteria must be followed. It must contain individualized goals, objectives, activities and services that support recovery. It must include a discharge plan.

Alcohol and/or Substance Abuse Services, Skill Development – Skills development for alcohol and other substance abuse disorders are behavioral health remedial services that are necessary to improve the client's ability to function in the community. They promote and teach recovery skills necessary to live independently in the community and prevent relapse. They may be performed in a group or one to one. They may be provided by a licensed behavioral health professional, a behavioral health rehabilitation specialist, or a certified alcohol and drug counselor.

Behavioral Health Screening – A preliminary screening and risk assessment to determine the likelihood that an individual may be experiencing mental health, addiction, or trauma related disorders. The purpose is not to establish the presence or specific type of such disorder but to establish the need for referral for more in-depth clinical evaluation and assessment and/or referral to relevant service resources. Refer to Attachment 3.1-A, Page 6a-1.3c for provider qualifications.

Revised 05-12-23

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

13.d Rehabilitative Services *(continued)*

13.d.1. Outpatient Behavioral Health Services *(continued)*

C. Covered Services *(continued)*

**Individual Provider Qualifications
Rehabilitative Services** *(continued)*

<p>Psychosocial Rehabilitation Services, individual and group <i>(continued)</i></p>	<p>Behavioral Health Rehabilitation Specialist (BHRS) <i>(continued)</i></p>	<p>(2) Bachelor or master degree that demonstrates the individual degree requirements of (1) of this subsection, as reviewed and approved by OHCA or its designated agent; or (3) A current license as a registered nurse in the state where services are provided; or (4) Certification as an Alcohol and Drug Counselor. Allowed to provide substance abuse rehabilitative treatment to those with alcohol and/or other drug dependencies or addictions as a primary or secondary DSM-IV Axis I diagnosis; or (5) Current certification as a Behavioral Health Case Manager II or III from ODMHSAS. On or after 07/01/10: (1) Bachelor degree earned from a regionally accredited college or university recognized by the United States Department of Education and completion of the ODMHSAS training as a Behavioral Health Rehabilitation Specialist; or (2) CPRP (Certified Psychiatric Rehabilitation Practitioner) credential; or (3) Certification as an Alcohol and Drug Counselor; or</p>
<p>Behavioral Health Screening</p>	<ul style="list-style-type: none"> • BHP • CADC • CM II • CM I • C-PRSS 	<p>See description for BHP on page 6a-1.3a and 6a-1.3b See description for CM I and CM II in Supplement 1 to Attachment 3.1- A, Page 1e See description for CADC and C-PRSS on page 6a-1.3e</p>

**METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES
OTHER TYPES OF CARE**

Payment for Psychological Services

Payment is made to clinical psychologists and to Level 2 Behavioral Health Practitioners (BHPs) on behalf of eligible individuals under 21 years of age through EPSDT. Payment is made to Clinical Psychologists on behalf of children and eligible individuals 21 years of age and older.

(a) Clinical Psychologists

Individuals in Independent Practice – Payment is made at 89.68 percent of the CY2013 Medicare Physician Fee Schedule for psychiatric services, which is equivalent to a 3 percent rate increase from the rates in effect on June 30, 2018. Effective July 1, 2022, a rate floor equal to 80 percent of the CY2021 Medicare Physician Fee Schedule for psychiatric services is implemented.

Individuals in Agency Setting – Refer to Attachment 4.19-B, Page 24 for payment of services provided by psychologists employed by public health, a government or private behavioral health agency, or local school settings.

(b) Level 2 BHPs

Individuals in Independent Practice – Payment is made at rates which equal 70 percent of the reimbursement for services provided by Level 2 BHPs in agency settings, which is equivalent to a 30 percent rate reduction from the rates in effect on April 30, 2016. Payment is not made to Licensure Candidates in this setting.

Individuals in Agency Settings – Refer to Attachment 4.19-B, Page 24 for services provided by individuals employed by public health, a government or private behavioral health agency, or local school settings.

Except as otherwise noted in the plan, the rates are the same for both governmental and private providers of behavioral health practitioner services. All rates are published on the Agency's website www.okhca.org/behavioral-health.