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State/Territory Name: Vermont

State Plan Amendment (SPA) #: 21-0011

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 Page
October 28, 2021

VIA E-MAIL
Mike Smith, Secretary
Vermont Agency of Human Services
280 State Drive - Center Building
Waterbury, VT 05671

Re: Vermont State Plan Amendment (SPA) 21-0011

Dear Secretary Smith:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 21-0011. This amendment proposes to limit the provision of medical nutrition therapy to registered dieticians. This letter is to inform you that Vermont’s Medicaid SPA Transmittal Number 21-0011 was approved October 28, 2021 and effective July 1, 2021.

If you have questions concerning this letter, please contact Gilson DaSilva, Division of Program Operations (South Branch) at (617) 565-1227 or via e-mail at Gilson.dasilva@cms.hhs.gov.

Sincerely,

[Redacted]

James G. Scott
Division of Program Operations

cc: Dylan Frazer, Deputy Director of Medicaid Policy
### TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL

**FOR:** CENTERS FOR MEDICARE AND MEDICAID SERVICES

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

**1. TRANSMITTAL NUMBER:** 21-0011  
**2. STATE:** VERMONT  
**3. PROGRAM IDENTIFICATION:** TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)  
**4. PROPOSED EFFECTIVE DATE(S):** 7/1/2021

**5. TYPE OF PLAN MATERIAL (CHECK ONE):**

- [ ] NEW STATE PLAN  
- [ ] AMENDMENT TO BE CONSIDERED AS NEW PLAN  
- [X] AMENDMENT

**6. FEDERAL STATUTE/REGULATION CITATION:**  
42 CFR §430.12(c)(1)(ii)

**7. FEDERAL BUDGET IMPACT:**

- a. FFY 2021 $ 0.00  
- b. FFY 2022 $ 0.00

**8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:**  
Attachment 3.1-A page 6n(3)

**9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):** None

**10. SUBJECT OF AMENDMENT:** Medical Nutrition Therapy

**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

**SIGNATURE OF SECRETARY OF ADMINISTRATION:**

Kristin Clouser  
Digitally signed by Kristin Clouser  
Date: 2021.08.30 10:45:30 -04'00'

**12. SIGNATURE OF STATE AGENCY OFFICIAL:**

[Redacted]

**13. TYPED NAME:** Michael K. Smith

**14. TITLE:**  
SECRETARY, AGENCY OF HUMAN SERVICES

**15. DATE SUBMITTED:** 9/30/2021

**16. RETURN TO:**  
DYLAN FRAZER  
AGENCY OF HUMAN SERVICES  
280 STATE DRIVE, CENTER BUILDING  
WATERBURY, VT 05671-1000

**17. DATE RECEIVED:** 09/30/2021

**18. DATE APPROVED:** 10/28/2021

**19. EFFECTIVE DATE OF APPROVED MATERIAL:** 07/01/2021

**21. TYPED NAME:** James G. Scott

**22. TITLE:** Director, Division of program Operations

**23. REMARKS**
ITEM 13. OTHER DIAGNOSTIC, SCREENING, PREVENTIVE AND REHABILITATIVE SERVICES, I.E., OTHER THAN THOSE PROVIDED ELSEWHERE IN THE PLAN. (Continued)

13-C Preventive Services (continued)

11. Medical Nutrition Therapy Services

Medical nutrition therapy services are recommended by a physician or other licensed practitioner of the healing arts within the scope of their practice under State law to:

1) Prevent disease, disability, and other health conditions or their progression;
2) Prolong life; and
3) Promote physical and mental health and efficiency.

Medical nutrition therapy services are covered when provided by a registered dietitian working within their scope of practice. Coverage is limited to one initial assessment for each condition and up to five hours for follow-up therapy in a calendar year. Additional services may be authorized if determined to be medically necessary.

Registered dietitians are certified by the Vermont Office of Professional Regulation. To be eligible for certification an individual must be a registered dietitian by the Commission on Dietetic registration, or shall have:

- received a bachelor of arts or science or higher degree in dietetics from an accredited university;
- satisfactorily completed a minimum of 900 practicum hours of supervision under an Academy of Nutrition and Dietetics dietitian registered by the Commission on Dietetic Registration;
- passed an examination to the satisfaction of the Director of the Office of Professional Regulation.