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State/Territory Name: Wisconsin

State Plan Amendment (SPA) #: 21-0010

This file contains the following documents in the order listed:

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

June 14, 2021

Jim Jones
Medicaid Director
Division of Medicaid Services
Wisconsin Department of Health Services
1 W. Wilson Street
Madison, WI 53701

Re: Wisconsin State Plan Amendment (SPA) 21-0010

Dear Mr. Jones:

We reviewed your proposed Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 21-0010. This amendment proposes to add residential substance use disorder treatment as a covered service in the state plan.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations 42 Code of Federal Regulation (CFR) 440.130. This letter is to inform you that Wisconsin's Medicaid SPA Transmittal Number 21-0010 is approved effective February 1, 2021.

If you have any questions, please contact Mai Le-Yuen at 312.353.2853 or via email at mai.le-yuen@cms.hhs.gov.

Sincerely,

Digitally signed by James
G. Scott -S
Date: 2021.06.14 16:26:20
05'00'

James G. Scott, Director
Division of Program Operations

cc: Laura Brauer, DHS

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER WI-21-0010	2. STATE Wisconsin
FOR: HEALTH CARE FINANCING ADMINISTRATION		3. PROGRAM IDENTIFICATION: Title XIX Of The Social Security Act (Medicaid)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE 2/1/2021	
5. TYPE OF PLAN MATERIAL (<i>Check One</i>)			
<input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION 1902(a)(30)(A) and 1905(a)(13) of the Social Security Act 42 CFR 440.130		7. FEDERAL BUDGET IMPACT a. FFY 2021 \$22,572K b. FFY 2022 \$37,322K	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT Attachment 4.19-B Page 3 Supplement 1 to Attachment 3.1-A, pages 10a-1 to 10a-6		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>) Same New	
10. SUBJECT OF AMENDMENT Substance Use Disorder Treatment in a Residential Setting Modification			
11. GOVERNOR'S REVIEW (<i>Check One</i>)			
<input checked="" type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> OTHER, AS SPECIFIED <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
DocuSigned by: ATE AGENCY OFFICIAL 3/23/2021		DocuSigned by: E39F5439D2AA4E3... 3/23/2021	
DocuSigned by: 7BD4E56017A7425... James D. Jones		16. RETURN TO Laura Brauer State Plan Amendment Coordinator Department of Health Services 1 W. Wilson St. P.O. Box 309 Madison, WI 53701-0309	
14. TITLE State Medicaid Director			
15. DATE SUBMITTED 3/31/2021			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED: March 31, 2021		18. DATE APPROVED: June 14, 2021	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: February 1, 2021		20. SIGNATURE OF REGIONAL OFFICIAL: Digitally signed by James G. Scott -5 Date: 2021.06.14 16:28:30 -05'00'	
21. TYPED NAME: James G. Scott		22. TITLE: Director, Division of Program Operations	
23. REMARKS:			

13.d. Rehabilitation Services, continued.Residential Substance Use Disorder (SUD) Treatment Services

The service is a program (encompasses several different rehabilitative services): Substance use disorder (SUD) treatment in a residential setting provides treatment for adults and youth to promote recovery from substance use disorder and reduce the incidence and duration of institutional care members might otherwise need. Residential SUD Treatment Services include the following services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his practice under State law, for maximum reduction of physical or mental disability and restoration of a beneficiary to his best possible functional levels in accordance with 42 CFR 440.130(d):

- **Assessment and Treatment Planning:**
Assessment and treatment planning services include completion of the initial screening, intake, comprehensive assessment, diagnosis, and treatment planning. Reassessment and updated treatment planning is required throughout the duration of services. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed psychiatrists, Licensed physicians, Licensed psychologists, Licensed physician assistants, Licensed nurse practitioners, Licensed advanced practice nurse prescribers, Licensed registered nurses, Licensed independent clinical social workers, Licensed professional counselors, Licensed marriage and family therapists, Certified alcohol and drug abuse counselors, Clinical Student/Resident

- **Individual, group and family substance abuse counseling**
Individual, group, and family substance abuse counseling services are provided to ameliorate negative symptoms from substance abuse and to restore effective function in individuals with substance use disorder or addiction. Group counseling involves interaction among members of a group consisting of at least two patients but not more than 10 patients. Family counseling includes interaction among members of the individual's family, and must be directly related to the assessed needs of the individual. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed psychiatrists, Licensed physicians, Licensed psychologists, Licensed independent clinical social workers, Licensed professional counselors, Licensed marriage and family therapists, Certified alcohol and drug abuse counselors, Clinical Student/Resident

- **Individual, group and family psychotherapy**

TN # 21-0010

Supersedes

TN # New

Approval date: 06/14/2021

Effective date: 02/01/2021

Individual, group, and family psychotherapy is used to treat an individual who is mentally ill or has medically significant emotional or social dysfunctions. The treatment is a planned and structured program based on information from a diagnostic assessment and directed at accomplishing specific goals. Treatment goals may include removing, modifying, or retarding existing symptoms, mediating disturbed patterns of behavior and promoting positive personal growth and development by enhancing the ability to adapt and cope with internal and external stresses. Group psychotherapy involves interaction among members of a group consisting of at least two patients but not more than 10 patients. Family psychotherapy includes interaction among members of the individual's family, and must be directly related to the assessed needs of the individual. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed psychiatrists, Licensed physicians, Licensed psychologists, Licensed advanced practice nurse prescribers, Licensed nurse practitioners, Licensed independent clinical social workers, Licensed professional counselors, Licensed marriage and family therapists, Certified social workers, Certified advance practice social workers, Certified independent social workers, Clinical Student/Resident

- Psychoeducation

Psychoeducation includes the provision of information in a didactic format in either a group or individual setting that relates to health or promotes recovery. This service includes providing counseling about individual's substance abuse and/or mental health issues, skills training, and guidance about managing and coping with symptoms. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed psychiatrists, Licensed physicians, Licensed psychologists, Licensed physician assistants, Licensed nurse practitioners, Licensed advanced practice nurse prescribers, Licensed registered nurses, Licensed practical nurses, Licensed independent clinical social workers, Licensed professional counselors, Licensed marriage and family therapists, Certified social workers, Certified advance practice social workers, Certified independent social workers, Certified alcohol and drug abuse counselors, Clinical Student/Resident

- Medication Administration

Medication administration includes receiving, storing, administering, and supporting the member in taking medications to treat the member's substance use disorder, mental health, and medical conditions. Medications are administered by trained staff, supervised when required, according to state policies and procedures designed to provide safe and accurate administration of medication. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed psychiatrists, Licensed physicians, Licensed physician assistants, Licensed psychologists, Licensed nurse practitioners, Licensed advanced practice nurse prescribers, Licensed registered nurses, Licensed practical nurses, Licensed independent clinical social workers, Licensed professional counselors, Licensed marriage and family therapists, Certified social workers, Certified advanced practice social workers, Certified independent social workers, Certified alcohol and drug abuse counselors, Clinical Student/Resident, Certified peer specialists, Recovery coaches, SUD technicians

- Nursing Services

Behavioral health or medical services provided by a licensed nurse and operating within their scope of practice that supports screening, assessment, and treatment for patients. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed nurse practitioners, Licensed advanced practice nurse prescribers, Licensed registered nurses, Licensed practical nurses, Clinical Student/Resident

- Peer Support and Recovery Coaching

Peer support and recovery coaching services link members with peer specialists and recovery coaches who serve as advocates, mentors, facilitators, and role models. These services provide guidance from a lived-experience perspective that promotes engagement in substance use disorder treatment and recovery systems. Peer specialists and recovery coaches support the individual in building recovery capital, making choices that promote SUD recovery, developing goals, and rebuilding the individual's ability to meet their chosen goals. These services promote the individual's use of self-directed recovery tools, and inform the individual about community and natural supports and how to utilize these in the recovery process. Peer supports and recovery coaching services are delivered under the direction of a qualified health care practitioner. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Certified peer specialists, Recovery coaches

- Drug Testing

Drug testing includes collection of samples and completion of point-of-care drug tests, including breathalyzer, at the residential SUD facility to monitor treatment compliance, reinforce treatment gains and ensure safety. Drug tests are administered by trained staff, supervised when required, according to procedures that safeguard patient rights and ensure the accuracy and integrity of test results. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed psychiatrists, Licensed physicians, Licensed physician assistants, Licensed psychologists, Licensed nurse practitioners, Licensed advanced

practice nurse prescribers, Licensed registered nurses, Licensed practical nurses, Licensed independent clinical social workers, Licensed professional counselors, Licensed marriage and family therapists, Certified social workers, Certified advance practice social workers, Certified independent social workers, Certified alcohol and drug abuse counselors, Clinical Student/Resident, Certified peer specialists, Recovery coaches, SUD technicians

- Treatment Coordination Services

Treatment coordination services involve managing covered medical assistance services to meet an individual's identified health needs and assisting the individual in engaging in such services to support the individual's overall treatment and recovery. The amount and duration of this service is determined on a case by case basis through the prior authorization process.

Allowable Practitioners: Licensed psychiatrists, Licensed physicians, Licensed physician assistants, Licensed psychologists, Licensed nurse practitioners, Licensed advanced practice nurse prescribers, Licensed registered nurses, Licensed practical nurses, Licensed independent clinical social workers, Licensed professional counselors, Licensed marriage and family therapists, Certified social workers, Certified advance practice social workers, Certified independent social workers, Certified alcohol and drug abuse counselors, Clinical Student/Resident, Certified peer specialists, Recovery coaches, SUD technicians

Provider Qualifications:

Residential SUD treatment facilities must be licensed by the state of Wisconsin as medically monitored SUD treatment services or transitional residential SUD treatment services in order to enroll as a Medicaid provider. SUD residential facilities may employ licensed and non-licensed health professionals. Services are provided by or overseen by a licensed professional within the scope of his or her practice under state law. Practitioners in SUD residential treatment facilities include:

- Licensed psychiatrists – Psychiatrists shall be licensed in Wisconsin to practice medicine and surgery and shall have completed 3 years of residency training in psychiatry in a program approved by the American Medical Association or the Accreditation Council for Graduate Medical Education.
- Licensed physicians – Physicians shall be licensed in Wisconsin to practice medicine and surgery and shall possess knowledge and experience related to mental disorders of adults or children, be certified in addiction medicine by the American Society of Addiction Medicine, be certified in addiction psychiatry by the American Board of Psychiatry and Neurology, or otherwise be knowledgeable in the practice of addiction medicine.
- Licensed physician assistants – Physician assistants shall be licensed in Wisconsin
- Licensed psychologists – Psychologists shall be licensed in Wisconsin and be listed or have met the requirements for listing with the National Register of Health Service Providers in Psychology or have a minimum of one year of supervised post-doctoral clinical experience

directly related to the assessment and treatment of individuals with mental disorders or substance-use disorders.

- Licensed nurse practitioners – Nurse practitioners shall be licensed in Wisconsin as a registered nurse, certified in Wisconsin as a nurse practitioner, and possess 3,000 hours of supervised clinical experience.
- Licensed advanced practice nurse prescribers – Advance practice nurse prescribers shall be licensed in Wisconsin as a registered nurse and certified in Wisconsin as an advance practice nurse prescriber.
- Licensed registered nurses – Licensed registered nurses shall be licensed in the state of Wisconsin
- Licensed practical nurses – Licensed practical nurses shall be licensed in the state of Wisconsin.
- Licensed independent clinical social workers – Licensed independent clinical social workers shall be licensed in the state of Wisconsin and shall possess at least 3,000 hours of supervised clinical experience where the majority of clients are children or adults with mental disorders or substance use disorders.
- Licensed professional counselors – Licensed professional counselors shall be licensed in the state of Wisconsin and shall possess at least 3,000 hours of supervised clinical experience where the majority of clients are children or adults with mental disorders or substance use disorders.
- Licensed marriage and family therapists – Licensed marriage and family therapists shall be licensed in the state of Wisconsin and shall possess at least 3,000 hours of supervised clinical experience where the majority of clients are children or adults with mental disorders or substance use disorders.
- Certified social workers – Certified social workers shall be certified in the state of Wisconsin.
- Certified advance practice social workers – Certified advance practice social workers shall be certified in the state of Wisconsin.
- Certified independent social workers – Certified independent social workers shall be certified in the state of Wisconsin.
- Certified alcohol and drug abuse counselors – Certified alcohol and drug abuse counselors shall be certified in the state of Wisconsin.
- Certified peer specialists - Certified peer specialists shall be persons with lived experience of mental illness or substance use disorders or both who have completed formal training and are certified in the state of Wisconsin.
- Recovery coaches – Recovery coaches shall be persons with lived experience in substance use disorder recovery, or those impacted by another’s addiction, who have completed formal, documented training in a program acceptable to Wisconsin Medicaid that emphasizes recovery services and systems, and approaches for promoting member engagement in treatment.
- Clinical Student/Resident - Clinical students and residents shall either be enrolled in a masters degree or higher program at an accredited institution or have completed such a degree and be working toward completion of the full clinical experience requirements necessary for licensure or certification as a provider.

- SUD Technician - SUD technicians shall possess a high school diploma or equivalent and pass a criminal background check. Technicians must complete orientation and training in assigned work functions.

Assurances:

Residential SUD services, including substance abuse family counseling and family psychotherapy, that involve the participation of a non-Medicaid eligible is for the direct benefit of the beneficiary. The service must actively involve the beneficiary in the sense of being tailored to the beneficiary's individual needs. There may be times when, based on clinical judgment, the beneficiary is not present during the delivery of the service, but remains the focus of the service.

The State assures that rehabilitative services do not include and FFP is not available for any of the following in accordance with section 1905(a)(13) of the Act. a. educational, vocational and job training services; b. room and board; c. habilitation services; d. services to inmates in public institutions as defined in 42 CFR §435.1010; e. services to individuals residing in institutions for mental diseases as described in 42 CFR§435.1010; f. recreational and social activities; and g. services that must be covered elsewhere in the state Medicaid plan.

The state assures that, through September 30, 2025, MAT to treat OUD as defined at section 1905(ee)(1) of the Social Security Act (the Act) is covered exclusively under section 1905(a)(29) of the Act.

Additional Benefit Information:

Benefits or Services are provided with limitations on amount, scope or duration or with authorization requirements.

Residential SUD treatment must be medically necessary for the member as determined through the prior authorization process. Initial service authorizations require verification that a clinically-appropriate assessment using allowable placement criteria has been performed prior to admission.

The amount, duration and scope of residential SUD treatment are established on a case by case basis through the prior authorization process. Residential SUD treatment must be medically necessary for the beneficiary as determined through the prior authorization process. Initial service authorizations require verification that a clinically-appropriate assessment using allowable placement criteria has been performed prior to admission. Authorization is required to exceed limitations in the initial service authorization plan.

18. Portable x-ray
19. Rehabilitation agencies
20. Personal Care effective 7-1-BB
21. AODA Outpatient Services effective 1-1-89
22. AODA Day Treatment Services effective 3-1-89
23. Podiatry Services effective 7-1-90
24. Pediatric and Family Nurse Practitioner Services effective 7-1-90
25. Other Nurse Practitioner and Clinical Nurse Specialist Services effective 7-1-90
26. Psychosocial Rehabilitation Services effective 1-1-2015
27. Services (other than room and board) designed to encourage completion of regimens of prescribed drugs by outpatients, including services to observe directly the intake of prescribed drugs for TB-infected individuals, effective 7-1-95
28. Drugs (pharmacy)
29. Substance use disorder treatment in a residential setting

* For reimbursement of obstetric and pediatric services, see page 8 of this Attachment. For reimbursement for physician primary care services in a HPSA. see item #15, page 6.

** For reimbursement of high-tech care for children - private duty nursing services see item #19 in this attachment, page 6c.

*** For reimbursement for trips where more than one recipient is transported at the same time, see item #23, page 16.