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State/Territory Name: Wisconsin

State Plan Amendment (SPA) #: 22-0020

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

February 24, 2023

Jamie Kuhn, Medicaid Director
Division of Medicaid Services
Wisconsin Department of Health Services
1 W. Wilson St.
Madison, Wisconsin 53701

Re: Wisconsin State Plan Amendment (SPA) 22-0020

Dear Ms. Kuhn:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 22-0020. This amendment proposes to allow for providers to bill for behavioral treatment in group settings.

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) 440.60, 440.40(6), and Part 441 Subpart B. This letter is to inform you that Wisconsin Medicaid SPA 22-0020 was approved on February 23, 2023, with an effective date of December 1, 2022.

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

A large black rectangular redaction box covers the signature of James G. Scott.

James G. Scott, Director
Division of Program Operations

Enclosures

cc: Bailey Dvorak, DHS

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

1. TRANSMITTAL NUMBER

2 2 — 0 0 2 0

2. STATE

WI

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL

SECURITY ACT



XIX



XXI

4. PROPOSED EFFECTIVE DATE

12/01/2022

TO: CENTER DIRECTOR

CENTERS FOR MEDICAID & CHIP SERVICES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

5. FEDERAL STATUTE/REGULATION CITATION

42 CFR s.440.60, 42 CFR s.440.40 (6) and 42 CFR Part 441 Subpart B.

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 2022 \$ 0

b. FFY 2023 \$ 13,906

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A Supplement 1 Pg

4.cc-4.ee, 17a

Attachment 3.1-B Supplement 1 Pg

3.cc.-3.ee.

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 PAGE NUMBER OF THE SUPERSEDED PLAN SECTION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

Attachment 3.1-A Supplement 1 Pg 4.cc-4.ee,
17a

Attachment 3.1-B Supplement 1 Pg 3.cc.-3.ee.

(SPA - WI 15-0013)

9. SUBJECT OF AMENDMENT

Adding Behavioral Treatment Group Codes for Reimbursement.

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:



11. SIGNATURE OF STATE AGENCY OFFICIAL

[Redacted Signature]

12. TYPED NAME

Lisa Olson

13. TITLE

Medicaid Director

14. DATE SUBMITTED

12/29/22

15. RETURN TO

Bailey Dvorak

State Plan Amendment Coordinator Department of Health
Services

1 W. Wilson St.

P.O. Box 309

Madison, WI 53701-0309

FOR CMS USE ONLY

16. DATE RECEIVED

December 29, 2022

17. DATE APPROVED

February 23, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

December 1, 2022

19. SIGNATURE OF APPROVING OFFICIAL

[Redacted Signature]

20. TYPED NAME OF APPROVING OFFICIAL

James G. Scott

21. TITLE OF APPROVING OFFICIAL

Director, Division of Program Operations

22. REMARKS

State: Wisconsin

6.d. Other Practitioners, continued.

A. Behavioral Treatment Services provided by licensed practitioners.

Licensed practitioners furnish treatment services for autism spectrum disorder (ASD) and other related conditions that cause persistent, clinically significant impairment in social communication, behavioral interaction, and/or other areas of functional development that manifest as atypical behavior patterns that interfere with the member's safety and effective functioning in the home and community. Treatment is directly furnished by a licensed practitioner within their scope of practice under state law or by a non-licensed practitioner under the supervision of a licensed practitioner within their scope of practice as allowed under state law. Services are authorized in the home, community, or provider's office.

B. Components of Behavioral Treatment provided by licensed practitioners

1. Assessment

Assessment services are covered for the purposes of treatment planning for an individual diagnosed with a condition for which behavioral treatment services have been proven effective. Both initial and follow-up assessments are covered.

Initial assessments must be performed by a licensed professional within their scope of practice. Allowable providers are the behavioral treatment licensed supervisor and the focused treatment licensed supervisor, both of which are described in "Section D – Provider Qualifications."

Follow-up assessments may be performed by a licensed professional or by a treatment therapist under the direction of a licensed professional. Allowable providers are the behavioral treatment licensed supervisor, the focused treatment licensed supervisor, the behavioral treatment therapist, and the focused treatment therapist, all of which are described in "Section D – Provider Qualifications."

State: Wisconsin

6.d. Other Practitioners, continued.

B. Components of Behavioral Treatment provided by licensed practitioners, continued.

2. Comprehensive Treatment (EPSDT only)

Comprehensive treatment targets acquisition of a broad base of skills with an emphasis on the primary deficits of autism spectrum disorder or other related conditions (communicative, social, emotional, and adaptive functioning). It entails a high degree of intensity. In addition, caregiver training is an essential feature of this approach.

ForwardHealth reimburses the following services:

- a. Comprehensive adaptive behavior treatment by protocol
- b. Comprehensive adaptive behavior treatment with protocol modification
- c. Comprehensive treatment family adaptive behavior treatment guidance
- d. Group adaptive behavior treatment by protocol
- e. Group adaptive behavior treatment with protocol modification

Comprehensive treatment may be performed by a licensed professionals or by treatment therapists or treatment technicians under the direction of a licensed professional. Allowable providers are the behavioral treatment supervisor, the behavioral treatment therapist, and the behavioral treatment technician. Allowable providers are described in greater detail in “Sectional D – Provider Qualification.”

3. Focused Treatment

The goals of focused treatment are the reduction of specific challenging behaviors, with development of replacement behaviors, as well as discrete skill acquisition. ForwardHealth reimburses the following services:

- a. Focused adaptive behavior treatment by protocol
- b. Focused adaptive behavior treatment with protocol modification
- c. Focused treatment family adaptive behavior treatment guidance
- d. Group adaptive behavior treatment by protocol
- e. Group adaptive behavior treatment with protocol modification

Focused treatment may be performed by licensed professionals or by treatment therapists or treatment technicians under the direction of a licensed professional. Allowable providers are the focused treatment licensed supervisor, the behavioral treatment licensed supervisor, the behavioral treatment therapist, the focused treatment therapist, and the behavioral treatment technician. Allowable providers are described in greater detail in “Section D – Provider Qualifications.:

State: Wisconsin

6.d. Other Practitioners, continued

C. Additional Benefit Information

1. Prior Authorization

All behavioral treatment comprehensive treatment or focused treatment services provided directly by or under the supervision of a licensed practitioner must be authorized by the Department in advance of their provision to the member.

Behavioral identification assessment and follow-up assessment services require prior authorization by the Department only in certain circumstances, as outlined in the ForwardHealth provider policy manual.

2. Limits

Focused or comprehensive treatment services must be medically necessary for the member as determined by ForwardHealth through the prior authorization process.

D. Provider Qualifications and Training

Wisconsin requires all providers who provide behavioral treatment services to Medicaid members to enroll as a behavioral treatment provider. Only licensed practitioners may enroll as a billing provider for behavioral treatment services. Providers should enroll in the specialty listed below that best matches level of training and experience.

1. Behavioral Treatment Licensed Supervisor – billing and rendering provider.
2. Behavioral Treatment Therapist – rendering provider only.
3. Behavioral Treatment Technician – rendering provider only.
4. Focused Treatment Licensed Supervisor – billing and rendering provider.
5. Focused Treatment Therapist – rendering provider only.

State: Wisconsin

HealthCheck (EPSDT) Other Services, continues

4. Comprehensive Treatment

See "Comprehensive Treatment" under Behavioral Treatment Services in Section 6.d., Other Practitioners.

State: Wisconsin

6.d. Other Practitioners, continues

A. Behavioral Treatment Services provided by licensed practitioners

Licensed practitioners furnish treatment services for autism spectrum disorder (ASD) and other related conditions that cause persistent, clinically significant impairment in social communication, behavioral interaction, and/or other areas of functional development that manifest as atypical behavior patterns that interfere with member's safety and effective functioning in the home and community. Treatment is directly furnished by a licensed practitioner within their scope of practice under state law by a non-licensed practitioner under the supervision of a licensed practitioner within his or her scope of practice as allowed under state law. Services are authorized in home, community, or provider's office.

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State: Wisconsin

6.d. Other Practitioners, continued

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State: Wisconsin

6.d. Other Practitioners, continued

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Wisconsin requires all providers who provide behavioral treatment services to Medicaid members to enroll as a behavioral treatment provider. Only licensed practitioners may enroll as a billing provider for behavioral treatment services. Providers should enroll in the specialty listed below that best matches their level of training and experience.

Wisconsin's Scope of Practice Act for licensed practitioners allows licensed practitioners to supervise unlicensed practitioners who furnish behavioral treatment services. In addition, Wisconsin's Scope of Practice Act requires licensed practitioners to assume professional responsibility for both the patient and the behavioral treatment service(s) furnished by unlicensed practitioners under his or her supervision. Licensed providers are able to furnish services being provided.

1. Behavioral Treatment Licensed Supervisor – billing and rendering provider.
2. Behavioral Treatment Therapist – rendering provider only.
3. Behavioral Treatment Technician – rendering provider only.
4. Focused Treatment Licensed Supervisor – billing and rendering provider.
5. Focused Treatment Therapist – rendering provider only.