

April 30, 2015

Bill Brooks, Medicaid Associate Regional Administrator
Division of Medicaid and Children's Health
Centers for Medicare and Medicaid Services
1301 Young St.
Dallas, TX 75202

Dear Mr. Brooks,

Enclosed are documents related to New Mexico State Plan Amendment (SPA) 15-001,
Applied Behavior Analysis (ABA) services and reimbursement.

The primary purpose of this state plan amendment is to add language describing the
coverage and reimbursement of ABA services.

We appreciate your consideration of this state plan amendment. Should you have any
questions on this amendment, please contact Ellen Costilla at (505) 827-3180 or at
Ellen.Costilla@state.nm.us

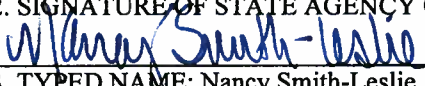
Sincerely,



Nancy Smith-Leslie
Director

Copies:

Stacy Shuman, CMS, Region VI
Ellen Costilla, MAD Health Care Operations Manager
Robert Stevens, MAD Chief, Program Policy & Integrity Bureau
Russell Toal, Deputy Director, Medical Assistance Division

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: 15-01	2. STATE New Mexico
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 May 1, 2015	
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: Section 1905(a) of the Social Security Act 42 CFR 447.200		7. FEDERAL BUDGET IMPACT: for FFY 2015: \$447,500 for FFY 2016: \$1,050,000	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 4.19-B page 22b (new) State Supplement A to Attachment 3.1A pages 5h and 5i (both new)		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): Attachment 4.19-B : Page 22b, supercedes none, new page State Supplement A to Attachment 3.1A : Pages 5j, 5k, 5l, and 5m, supercede none, new pages	
10. SUBJECT OF AMENDMENT: Applied Behavior Analysis (ABA) services and reimbursement			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL		X OTHER, AS SPECIFIED: Authority Delegated to the Medicaid Director.	
12. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: Nancy Smith-Leslie, Director Medical Assistance Division P.O. Box 2348 Santa Fe, NM 87504 – 2348	
13. TYPED NAME: Nancy Smith-Leslie			
14. TITLE: Director, Medical Assistance Division			
15. DATE SUBMITTED: April 30, 2015			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED:	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL:		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME:		22. TITLE:	
23. REMARKS:			

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State/Territory: NEW MEXICO

Amount, Duration and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy

State Supplement A to Attachment 3.1A

Page 5j

Applied Behavior Analysis (ABA): ABA services are covered for individuals from 12 months up to 21 years of age who have a well-documented medical diagnosis of Autism Spectrum Disorder (ASD), and for individuals under three years of age who have a well-documented risk for the development of ASD as defined by the latest version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the International Classification of Diseases (ICD).

ABA services are provided to a member as part of a three-stage comprehensive approach consisting of evaluation, assessment, and treatment which stipulates that ABA services be provided in coordination with other medically necessary services (e.g., Family Infant Toddler Program services, occupational therapy, speech language therapy, medication management).

Following a referral to an Autism Evaluation Provider (AEP) to confirm the presence of, or risk for ASD, and/or integrated service planning (Stage 1), a Behavior Analytic Assessment (BAA) is conducted along with the ABA Treatment Plan as appropriate for the selected service model (Stage 2). ABA services are then rendered by an approved Applied Behavior Analysis Provider (AP) in accordance with the member's ABA Treatment Plan (Stage 3).

STAGE 1:

Following a referral to an approved (AEP), Stage 1 services confirm the presence of, or risk for, ASD, and develop the integrated service plan (ISP).

The AEP provider must be a licensed, doctoral-level clinical psychologist or a physician who is board-certified or board-eligible in developmental behavioral pediatrics, pediatric neurology, or child psychiatry who (1) has experience in or knowledge of the medically necessary use of ABA and other empirically supported intervention techniques; (2) is qualified to conduct and document both a comprehensive diagnostic evaluation and a targeted evaluation for the purpose of developing an ISP; (3) has advanced training and clinical experience in the diagnosis and treatment of ASD and related neuro-development disorders, including knowledge about typical and atypical child development and experience with variability within the ASD population; (4) has advanced training in differential diagnosis of ASD from other developmental, psychiatric, and medical disorders; and (5) signs an attestation form affirming that all provider requirements as outlined above have been and will continue to be met.

STAGE 2:

Stage 2 involves the prior authorization process for behavior analytic assessment, ABA service model determination, and treatment plan development. Once the provider has received a prior authorization for the assessment and treatment plan development, as outlined below, the family, eligible recipient (as appropriate for age and developmental

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level), and the Applied Behavior Analysis Provider's (AP) supervising Behavior Analyst (BA) works collaboratively to make a final determination regarding the Clinically appropriate ABA service model, with consultative input from the AEP as needed. Then a behavior analytic assessment addressing needs associated with both skill acquisition and behavior reduction is conducted, and an individualized ABA treatment plan, as appropriate for the ABA service model, is developed by the supervising BA.

These services are performed by a practitioner who must be one of the following:

- A. A Board Certified Behavior Analyst-Doctoral® (BCBA-D®) or a Board Certified Behavior Analyst® (BCBA®) awarded by the Behavior Analyst Certification Board (BACB®) who (1) holds a professional credential issued by a licensing or certification board whose rules, regulations, and/or standards explicitly stipulate that the provision of ABA services is within the scope of the profession's practice (e.g., behavior analyst certification board [BACB®], board of psychologist examiners of the New Mexico regulation and licensing department; and (2) provides evidence that the provision of ABA services is within the scope of the practitioner's competence by providing documentation of certification as by the Behavior Analyst Certification Board (BACB®);

- B. A psychologist licensed by the New Mexico Regulation and Licensing Department (RLD) with specific behavior analytic training who (1) holds a professional credential whose rules, regulations, and/or standards explicitly stipulate that the provision of ABA services is within the scope of the profession's practice; (2) provides documentation of training in behavior analysis comparable to that required to be eligible to take an examination for BCBA® or BCBA-D® certification, to include all of the following education, supervised experiential training, and continuing education requirements:
 - i. possesses a minimum of a master's degree from an accredited university that was conferred in behavior analysis, education, or psychology, or conferred in a degree program in which the candidate completed a BACB® approved course sequence;
 - ii. completion of graduate level instruction in the following behavior analytic content areas as follows::
 - ethical and professional conduct (at least 45 classroom hours);
 - concepts and principles of behavior analysis (at least 45 classroom hours);

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- measurement (at least 25 classroom hours);
- experimental design (at least 20 classroom hours);
- identification of the problem and assessment (at least 30 classroom hours);
- fundamental elements of behavior change and specific behavior change procedures (at least 45 classroom hours);
- intervention and behavior change considerations (at least 10 classroom hours);
- behavior change systems (at least 10 classroom hours);
- implementation, management, and supervision (at least 10 classroom hours);
- discretionary coursework (at least 30 classroom hours);
- supervised experience in the design and delivery of ABA services through supervised independent field work (non-university based) of at least 1500 hours, practicum experience (university based) of at least 1000 hours, or intensive practicum experience (university based) of at least 750 hours, supervised in accordance with the BACB®'s requirements for supervised experience. A significant portion (at least one third) of the supervised experience must have been accrued with an ASD or closely related population (e.g., Fragile X, Intellectual Disability); and
- completion of at least 32 hours of continuing education in behavior analysis per two years.

Prior to July 1, 2016, the service may also be provided by an interim ABA provider/supervisor who is working towards BCBA® certification and must be a BCBA® by June 30, 2016 and meets the following qualifications: (1) a master's degree which the BACB® recognizes and would lead to certification as a BCBA; (2) New Mexico licensure, as appropriate for degree and discipline; (3) clinical experience and supervised training in the evidence-based treatment of children with ASD, specifically ABA; and (4) experience in supervising direct support personnel in the delivery and evaluation of ABA services.

STAGE 3

Stage 3 consists of rendering ABA services by an approved ABA provider in accordance with the treatment plan. This service may be provided by a Stage 2 practitioner as listed above or by one of the following behavior technicians (BT):

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A. (Registered Behavioral Technician® (RBT®) by providing a written attestation by the BACB®, and when appropriate, provide formal records documenting that the BT meets the following requirements:

- be at least 18 years of age;
- possess a minimum of a high school diploma or equivalent;
- successfully complete a criminal background registry check;
- complete a minimum of four hours of training in ASD (prior to the BT billing for ABA services) including, but not limited to, training about prevalence, etiology, core symptoms, characteristics, and learning differences;
- complete 40 hours of training in ABA that meets the requirements for Registered Behavioral Technician® (RBT®) by the BACB®; At least 20 hours of RBT training (in addition) to the four hours of ASD training) must occur prior to the AP billing for BT services. The other 20 hours of RBT training must be accrued, and RBT® certification from the BABC must be secured, no more than 90 calendar days following the first submission of billing for BT services.

B. A Behavioral Technician (BT) without RBT® credentialing with documented training in behavior analysis, may render services for up to six months while working toward his or her certification as a RBT® with an attestation from the provider that the BT meets the following requirements:

- be at least 18 years of age;
- possess a minimum of a high school diploma or equivalent;
- successfully complete a criminal background registry check;
- complete a minimum of four hours of training in ASD including, but not limited to, training about prevalence, etiology, core symptoms, characteristics, and learning differences prior to the AP billing for BT services;
- complete 40 hours of training (provided by a BA as defined above) with at least 20 hours of training occurring prior to the AP billing for the BT's services, and the other 20 hours accrued no more than 90 calendar days following first submission of billing for the BT's services.

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