

May 5, 2015

**RE: Tribal Consultation Letter 15-08 *State Plan Amendment to add Applied Behavior Analysis (ABA) to the Medicaid State Plan Benefits***

Dear Tribal Leadership, IHS, Tribal Facility or other interested parties,

Consultation with New Mexico's Indian Nations, Tribes, Pueblos and their healthcare providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Human Services Department's (HSD) Tribal Consultation requirements, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting written comments through June 1, 2015, regarding proposed amendments to the Medicaid State Plan to add Applied Behavior Analysis (ABA) services. ABA services are specifically for eligible recipients with a diagnosis of Autism Spectrum Disorders (ASD) and a narrowly defined at-risk population. The total increased expenditure to the Medicaid Program, including managed care plans, associated with ABA services is anticipated to be approximately \$1,500,000 annually.

**Highlights:**

- The amendments provide for new services to eligible recipients under the age of 3 who meet an at-risk category which are not offered under the current service of Adaptive Skills Building (ASB). Research demonstrates early focused interventions to very young children that may later be diagnosed with ASD greatly improve their outcomes in functional domains in later years.
- The amendments extend ABA services up to 21 years of age, a change from the limitation of up to five years of age. HSD is preparing a State Plan Amendment to the Centers for Medicare and Medicaid Services (CMS) to move this service into the Medicaid State benefit package.
- The amendments support the intervention of Specialty Care Providers to assist ABA agencies to render services to challenging eligible recipients who present with complex care needs. Research indicates that intensive services to complex behaviors assist eligible recipients to remain in their home and community instead of institutional care facilities.
- The amendments require ASD trained professionals to render highly effective diagnostic evaluations and ABA services to receive a reimbursement rate that supports a provider's agency to offer more slots to eligible recipients. ABA's effective outcomes are possible by having highly trained and nationally certified ABA providers rendering ABA services.

- The amendments offer an eligible recipient ABA services as long as they are medically necessary, rather than ASB time-limited services. Eligible recipients with an ASD diagnosis will encounter multiple situations where ABA services can provide positive outcomes.
- **Tribal Impact:** *HSD does not anticipate a negative service or financial impact to individuals, tribes or their healthcare providers with the proposed State Plan Amendment; instead HSD anticipates improved services to eligible recipients.*

### **Tribal Consultation Comments -**

Tribes and their healthcare providers may view the proposed the proposed Medicaid State Plan Amendment on the HSD webpage at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>, *Letter 15-08*.

### **Important Dates**

- **Written comments must be submitted by 5:00 p.m. Mountain Daylight Time (MDT) on June 5, 2015.** Please send your comments and questions to the MAD Native American Liaison, **Theresa Belanger**, at (505) 827-3122 or by email at: [Theresa.Belanger@state.nm.us](mailto:Theresa.Belanger@state.nm.us).
- All comments and responses will be compiled and available *after July 1, 2015*.

Sincerely,



Nancy Smith-Leslie, Director  
Medical Assistance Division

cc: Theresa Belanger, Native American Liaison, MAD  
HSD/MAD/PPB-Program Management/Communications Unit