



State of New Mexico
Medical Assistance Program Manual
Supplement



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TO: APPLIED BEHAVIOR ANALYSIS (ABA) PRACTITIONERS AND AUTISM PROVIDER (AP) AGENCIES

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SUBJECTS: CHANGE TO ABA STAGE 1 COMPREHENSIVE DIAGNOSTIC EVALUATION/TARGETED EVALUATION REQUIREMENTS
ABA STAGE 2 AND 3 BEHAVIOR ANALYST REQUIREMENTS
SPECIALTY CARE PRACTITIONERS
CERTIFICATION OF BEHAVIOR TECHNICIANS

I. ABA STAGE 1 COMPREHENSIVE DIAGNOSTIC EVALUATIONS REQUIREMENTS – CHANGES IN PRACTITIONER REQUIREMENTS AND PRIOR AUTHORIZATION REQUIREMENTS

- A. The Medical Assistance Division (MAD) has completed its first year of Autism Spectrum Disorders (ASD) ABA services for Medicaid eligible recipients. During the past year, MAD has seen an increase in ABA Stage 2 and 3 AP agencies opening businesses in New Mexico.

However, there continues to be a shortage of Stage 1 Autism Evaluation Practitioners (AEPs) statewide. A foundational criterion for admission into ABA services is that the recipient must (1) have a current, i.e. within the past 12 months, Comprehensive Diagnostic Evaluation (CDE) or a Targeted Evaluation, with an Integrated Service Plan (ISP) naming ABA as a medically necessary service for the recipient with a diagnosis of ASD; or (2) meet the ABA criteria for “At-Risk of Developing ASD.” These evaluations are completed by an AEP, and without them and an ISP, a recipient cannot begin to receive ABA Stage 2 services.

To avoid a delay in receiving Stage 2 services, effective July 1, 2016, MAD will deem a recipient who is at least four years* of age and who has been previously diagnosed or is diagnosed with ASD prior to May 1, 2018, a grace period of up to three years to receive Stage 2 and 3 services. The three year grace period begins the first date of ABA Stage 2 services. While the practitioners listed below may not meet the requirements to be approved as AEPs and therefore are not considered AEPs, MAD is temporarily recognizing the diagnosis of ASD of a recipient by the following provider types to expedite a recipient's access to ABA Stage 2 services:

- (1) A New Mexico Regulation and Licensing Department (RLD) licensed Psychologist
- (2) A New Mexico Board of Nursing licensed:
 - a. Psychiatric Clinical Nurse Specialist
 - b. Certified Nurse Practitioner with a specialty of Pediatrics or Psychiatry
- (3) A New Mexico MD or DO Board licensed:
 - a. Psychiatrist who is Board Certified in Child and Adolescent
 - b. Pediatrician.

During this three year grace period, the parent or recipient must: (1) within two months of the start of ABA Stage 2 services schedule with an AEP for a CDE appointment (MAD understands that a number of AEPs are scheduling up to three years in advance to conduct a CDE); and (2) the parent or recipient must be present during the CDE and fully participate with the AEP to complete the CDE.

It is the AP's responsibility to document the date of the CDE appointment in the recipient's file. If the recipient or parent fails to provide the AP with the appointment date by the close of the first two months of ABA Stage 2 and 3 services, the AP will work with the family and recipient to terminate ABA Stage 2 or 3 services, allowing for two weeks of transitional ABA Stage 3 services.

It is the AEP's responsibility to inform the recipient's AP if the recipient or parent fails to cooperate with the AEP to complete the CDE. The AEP must submit a report of non-compliance to the recipient's AP. The AP will work with the family and recipient to terminate ABA Stage 3 services within one month of receipt of a report of non-compliance allowing for one month of transitional ABA Stage 3 services.

In the event that the recipient's CDE does not confirm the diagnosis of ASD, the AP will terminate ABA Stage 3 services within one month after receiving the CDE, allowing for one month of transitional ABA Stage 3 services.

- B. When ABA services were first introduced, MAD required all stages of ABA services to be prior authorized. The prior authorization requirement for Stage 1 services was to ensure that (1) the recipient had a positive screen for ASD prior to the AEP initiating a

* Note that the age requirement of the recipient is at least four years old. Recipients who are age 12 months through three years old must be given priority scheduling for a CDE by a MAD-recognized AEP. Therefore, there is a reasonable expectation that this age population will access an AEP for a CDE more timely than for recipients age four and older.

CDE; and (2) the AEP had all the necessary multi-disciplinary findings in order to make an ASD diagnosis and to prioritize the recipient's services in the ISP.

The intent of prior authorization for Stage 2 services was to ensure that the Stage 1 CDE had been properly performed and that the ISP provided direction and prioritization of services.

MAD has determined that it is no longer necessary to require prior authorizations for Stage 1 and Stage 2 services. The prior authorization requirement to render ABA Stage 3 services remains in place.

- C. In order for an ABA Stage 1 AEP to initiate a recipient's CDE, a prior screening performed by specific other types of practitioners is required. If the results of the screening are positive, a referral to a Stage 1 AEP is made. The intent of the required prior screening is to have trained screeners validate the recipient's need for Stage 1 services.

However, MAD has determined there are situations in which the prior screening is unnecessary. When a provider who is an AEP receives a referral for a non-ASD related evaluation and by observation determines that the recipient meets the requirements for an ABA Stage 1 CDE (in other words, the recipient did not present to the AEP with a positive screening result), the AEP may initiate the CDE. It is not necessary for the AEP, having observed the recipient, to send the recipient to a screening provider or delay initiation of the CDE.

II. ABA STAGE 2 AND 3 PRACTITIONERS

A number of the newly approved AP agencies are bringing Board Certified Behavior Analysts (BCBAs) from their corporate offices to open practices in New Mexico. It is their ultimate goal to assist New Mexico practitioners to become BCBAs. New Mexico APs have been recruiting and hiring ABA Stage 2 and 3 Behavior Analysts (BAs) as Interim Supervisors working towards their BCBA certifications. Previously, MAD has required that by July 1, 2016, BA Interim Supervisors must hold a current and valid BCBA certificate to render BA Stage 2 and 3 services.

MAD recognizes that while there has been a considerable increase in the number of BCBAs statewide, there remains a shortage of ABA Stage 2 and 3 BAs to serve recipients' needs. BCBA candidates complete coursework but are unable to apply for examination or have the results of their examination by the July 2106 deadline. Therefore, MAD is extending the time period a BA Interim Supervisor may render Stage 2 and 3 services through February 28, 2017; and delaying the deadline by which the BA Interim Supervisor must hold a BCBA certificate. On and after March 1, 2017, all BAs must be a current BCBA or a Stage 2 BA qualifying psychologist.

III. ABA SPECIALTY CARE PRACTITIONERS

- A. **Specialty Care Services:** In both NMAC rule and in the ABA Billing Instructions, MAD makes reference to Specialty Care services. The Specialty Care Practitioner Attestation is located at: <http://www.hsd.state.nm.us/providers/provider-packets.aspx>.

The Behavior Analyst Certification Board® (BACB) is developing guidance on the experience, training, and education a practitioner must have to be recognized as a Special Care Practitioner (SCP). MAD is adopting the draft BACB® guidance until such time as NMAC 8.321.2 Section 10 is formally promulgated.

Specialty Care services provide different areas of specialization of Stage 3 services, e.g., aggression and self-injury. Each Specialty Care area is conceptualized as a continuum of services. The continuum extends from least-to-most intensive, which is determined by the level of service required to support the eligible recipient. A more intensive level of service typically requires an ABA Stage 2 practitioner to have training beyond the minimum competencies or the expertise of multiple practitioners to help the eligible recipient benefit from ABA Stage 2 and 3 services.

Authorizations for Specialty Care services are typically given to support moderate to severe cases. SCPs must provide documentation to justify Specialty Care services. Justification of Specialty Care services is determined by the (a) frequency, intensity, or chronicity of behavior; or (b) potential for harm to self or others, or (c) disruption of quality of life for the eligible recipient and for his or her family; or (d) combinations of (a) through (c).

- B. **Specialty Care Areas:** The following areas have been identified as specialty areas. If a behavior analytic practitioner believes the eligible recipient with a different clinical presentation would benefit from specialty care that is not on the list below, the provider should discuss this with the funding source. This list should not be considered exhaustive.

Aggression – behaviors that place other individuals at risk of harm (e.g., hitting, kicking, biting). At times, other forms of behavior not considered aggression might place others at risk. For example, property destruction (e.g., throwing chairs, breaking windows) may impose a risk to others that warrants specialty care.

Threats of aggression do not typically warrant specialty care. Threats may warrant specialty care if the threat is deemed plausible. Threats of aggression might warrant coordination with other practitioners (e.g., psychiatrist) and/or utilization of other supports (e.g., in-patient hospitalization).

Self-injury – behaviors that place the eligible recipient at risk of harm (e.g., head-banging, biting). The behaviors are not limited to harm resulting from self-injury. For example, elopement might create a substantial risk of harm (e.g., running into traffic).

Sleep dysregulation – the eligible recipient's hours of sleep is consistently much less than the recommended levels (e.g., National Sleep Foundation recommendations,

American Academy of Pediatrics recommendations) and/or disruption of caregiver or family sleep patterns (e.g., missing work due to sleep deprivation) result from unusual sleep patterns of the eligible recipient.

Feeding disorders – the eligible recipient is at high-risk for health issues associated with eating (e.g., short gut, breathing problems), severe lack of eating (e.g., less than 20% of nutritional needs by mouth), high levels of inappropriate behavior during meals, and ingestion of non-edible items (i.e., pica).

Food selectivity, increasing variety, advancing textures, etc. do not typically warrant feeding specialty care unless there are further complications as listed above.

C. Specialty Care Practitioner Requirements: Specialty Care is rendered by a practitioner who has the necessary credentials and training experiences.

There are multiple methods for demonstrating credentialing and training experiences. However, a practitioner seeking MAD ABA Specialty Care Practitioner (SCP) status must meet Requirement 1, and either Requirement 2 or Requirement 3, below.

Requirement 1

The SCP applicant must meet either (1) or (2), and also must meet (3), below:

- (1) The practitioner must provide documentation of certification as a BACB® or a BCBA-D®; or
- (2) The practitioner must provide documentation of a licensure as a psychologist with documented coursework and training experience equivalent to BACB® requirements for a BCBA® or a BCBA-D®; and
 - (a) Coursework specific to the science of behavior analysis that meets current BACB® guidelines (see 8.321.2 NMAC Section 10 Subsection B Paragraph 3 for listing of coursework requirements); and
 - (b) 1500 hours of supervised experience utilizing principles and practices specific to the science of behavior analysis. Experiences must align with the most recent BACB® task list for behavior analytic experiences.
- (3) Meet Requirement 2 or 3, below.

Requirement 2

Specialty care provider graduate coursework and experiential training:

- (1) The applicant must provide documentation of graduate level coursework specific to the assessment and treatment of an ASD referral concern associated with the Specialty Care area, e.g., sleep dysregulation. The graduate level coursework must be the equivalent of at least one-3 credit hour course i.e., 45 classroom contact hours and 45 non-classroom contact hours, specific to the ABA Specialty Care area; and
- (2) Complete 500 hours in the specialty area under supervision from a BCBA®, BCBA-D® or other credentialed practitioner who has 3 or more years of documented experience in the specialty care area. The 500 hours must be in a

specific specialty care area implementing treatment protocols by either working directly with a recipient or directing a BT working with a recipient with at least 125 delivery hours acquired post master's degree. Not more than 350 delivery hours may be counted from meeting his or her BCBA/D® certification requirements, implementing the specific specialty care treatment protocols with working directly with a recipient or directing a BT working with a recipient. The 500 hours must include 25 hours of directly supervised case management in the specialty care area.

Requirement 3

Experiential training only:

The applicant must complete 1,000 hours in the specialty area under supervision by a BCBA, BCBA-D or other credentialed practitioner who has 3 or more years of documented experience in the specialty care area. The 1,000 hours must be in a specific specialty care area implementing treatment protocols by either working directly with a recipient or directing a BT working with a recipient with at least 250 delivery hours acquired post master's degree. Not more than 712.5 delivery hours may be counted from meeting his or her BCBA/D certification requirements, implementing the specific specialty care treatment protocols with working directly with a recipient or directing a BT working with a recipient. The 1,000 hours must include 37.5 hours of directly supervised case management in the specialty care area.

D. Enrolling as a SCP:

- (1) A currently MAD enrolled BA must submit a Specialty Care Practitioner attestation to Jennifer Chavez at MAD. The SCP Attestation form is located at: <http://www.hsd.state.nm.us/providers/provider-packets.aspx>.
- (2) If an applying practitioner is not currently enrolled as a MAD BA, he or she must first submit a SCP attestation to Jenn Chavez at MAD. The SCP Attestation form is located at: <http://www.hsd.state.nm.us/providers/provider-packets.aspx>.

If the SCP status is approved, the applicant must then enroll as a MAD provider through Xerox, attaching or uploading his or her MAD SCP approval letter provider agreement when completing the enrollment documents. Go to: <https://nmmedicaid.acs-inc.com/static/index.htm> to complete and submit the necessary enrollment documents.

E. Billing as a SCP:

The SCP may bill (in addition to other ABA codes necessary to design and implement a Specialty Care Treatment Plan) CPT codes 0373T and 0374T with the appropriate U3, U4, or U5 modifier and a second modifier of U6.

- U3 indicates the SCP is a BCBA
- U4 indicates the SCP is a BCBA-D
- U5 indicates the SCP is a Psychologist

- U6 indicates the service was a Specialty Care services

The approved SCP may contract with the HSD managed care organizations (MCOs) providing them a copy of his or her MAD SCP approval letter to render Specialty Care services to their members to update MCO records as may be applicable.

IV. Certification of a Behavior Technician (BT)

Since the inception of ABA services, MAD has allowed:

- (1) A Behavior Analyst Certification Board (BACB®) Registered Behavior Technician® (RBT®) to assist a BA complete an ABA Stage 2 assessment and render ABA Stage 3 services; or
- (2) A BT to assist a BA complete an ABA Stage 2 assessment and render ABA Stage 3 services for up to six continuous months while earning his or her RBT® certification. At the end of six months, the BT must hold a BACB® RBT® certificate.

In an effort to be inclusive of other behavior technician certification programs, MAD studied the Behavioral Intervention Certification Council's® (BICC's®) Board Certified Autism Technician® (BCAT®) certification program. After careful review, MAD believes the BICC's® BCAT® certification program is comparable to the BACB's® RBT® program.

As such, effective August 1, 2016, MAD will accept BCAT® certifications as a BT in order to assist a BA complete an ABA Stage 2 assessment and render ABA Stage 3 services under the supervision of a MAD approved BA within an approved AP. A BCAT® must submit his or her BCAT® certification at the time of MAD enrollment and must provide MAD with updated BICC® BCAT® certifications. The AP must retain in the BT's personnel file documentation of his or her current BCAT® certification and documentation that all the following requirements have been met, and submit to MAD an attestation that the BCAT® meets all of the following:

- (a) Be at least 18 years of age;
- (b) Possess a minimum of a high school diploma or equivalent;
- (c) Successfully complete a criminal background registry check;

MAD also approves a BT who is studying to be certified as a BCAT® to assist a BA complete an ABA Stage 2 assessment and render ABA Stage 3 services without a BCAT® credential for up to six continuous months while working towards his or her certification as a BCAT®. If the BT fails to earn his or her BCAT® certification within the allotted timeframe, the BT is to no longer assist a BA complete the ABA Stage 2 assessment and render ABA Stage 3 services. The AP must retain in the BT's personnel file documentation of the following requirements and must provide a written attestation to MAD that the BT meets all of the following:

- (a) be at least 18 years of age;
- (b) possess a minimum of a high school diploma or equivalent;
- (c) successfully complete a criminal background registry check;
- (d) complete the required BCAT® trainings as required by the BICC® with at least 20 hours of BCAT® 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 date of the BT rendering services;

- (e) Complete all other BICC® requirements for registration as a BCAT® (e.g., passing the identified competency assessment, submitting the necessary documentation to the BICC®); and
- (f) Secure and hold a BCAT® certificate within the first continuous six months from the first date of ABA services.

The BCAT® Attestation is located at: <http://www.hsd.state.nm.us/providers/provider-packets.aspx>.

If you have any questions, please contact Jenn Chavez at (505) 827-3118 or by email at JenniferL.Chavez1@state.nm.us.

We appreciate your participation in Medicaid Assistance Programs.