

10-015 Coverage Only Questions

Coverage Comments and Questions

Clinical Assessment Services, Intensive Integrated Neurorehabilitation, Neuro-behavioral Rehabilitation, Self Care/Home Management Reintegration and Community/Work Reintegration

1. The State’s answer to RAI question 1 indicates the State’s intention to retain therapeutic recreation, occupational therapy, physical therapy and speech language pathology. Please revise the plan pages to include mention of these services under the appropriate service category. (If the plan pages were revised already, please submit them with ME 10-015.)
2. Please explain in the plan pages what the State means by “work reintegration”. Note that CMS does not reimburse for educational, vocational or job training services.
3. Please add a description of “care coordination” to the State plan that reflects the State’s answer to question 4 of the RAI.
4. In the State’s answer to question 4 of the RAI, the State indicates that providers of care coordination include two unlicensed professionals, the Certified Therapeutic Recreation Specialist and the Speech Language Pathology Assistant. Yet the qualifications that follow are for a Certified Therapeutic Recreation Specialist and a Certified Brain Injury specialist. Please clarify which professionals are unlicensed and include the correct information in the State plan.
5. In the previously submitted revised plan pages, the State included a list of practitioners that furnish the services to persons with brain injuries. These included a Physical Therapist, Licensed PT Assistant, Occupational Therapist, COTA, Speech Language Pathologist, and Speech Language Pathology Assistant. The State’s answer to RAI questions 5 and 6 explained that all of these professionals as well as a Recreational Therapist, Social Worker, Counselor or person who performs Collateral Contacts must all be Certified Brain Injury Specialists. Please revise the qualifications in the State plan to indicate that the Physical Therapist, Licensed PT Assistant, Occupational Therapist, COTA, Speech Language Pathologist, Speech Language Pathology Assistant, Recreational Therapist, Social Worker, Counselor and persons who perform Collateral Contacts must also meet the requirements for a Certified Brain Injury Specialist.
6. The State lists all practitioner qualifications in the State plan after the PNMI. It would be clearer if the State listed the qualifications for those who will furnish the brain-injury services separately from those who will furnish services to children with cognitive impairments and services in the PNMI.
7. We appreciate that the State indicated that the therapists had to meet the requirements of 42 CFR 440.110. Please also include in the plan a brief description of the State’s requirements for working “under the supervision” of the therapists.
8. Please include in the State plan a summary of the types and qualifications of the provider entities that furnish brain injury services.

9. Please include assurances in the State plan that the State offers comparable services to the brain injury services to adults and all children aged 0 to 21 within the EPSDT population.
10. Please delete the references to "other qualified staff" in the State plan as it is vague. Alternatively, the State may specify the other staff that are qualified, and summarize the State's education, training and experience requirements that would make them qualified to furnish brain injury services.

Rehabilitative and Community Support Services for Children with Cognitive Impairment and Functional Limitations

11. The State's answer to RAI question B.1 indicates that the evidence-based service of Applied Behavioral Analysis (ABA) is what the State meant by its reference to "Specialized Services for Children with Cognitive Impairments and Functional Limitations". The State did not specify the "Treatment Services for Children with Cognitive Impairments and Functional Limitations". For both services, however, the State's answer indicated that the services help children maintain and acquire skills. As such, they are habilitative in focus and do not comport with the rehabilitative focus of 42 CFR 440.130(d). Therefore, please delete all references to these services and the practitioners who furnish these services from the rehabilitative services section of the State plan.

It may be possible to move these services to the State plan benefit of "Other Licensed Professionals" (OLP) (item 6 in the State plan) if the following questions are satisfactorily answered:

- a. Are the ABA services and the Treatment Services to Children with Cognitive Impairments and Functional Limitations furnished directly by State licensed practitioners, or by unlicensed individuals who work under the supervision of the licensed practitioners?

Note: They are not licensed.

- b. If the latter, does the Scope of Practice Act for the licensed practitioners specifically allow the licensed practitioners to supervise the unlicensed individuals to provide the ABA services and the Treatment Services for Children with Cognitive Impairments and Functional Limitations?
- c. Does the Scope of Practice Act also require the licensed practitioners to assume professional responsibility for the ABA services and the Treatment Services for Children with Cognitive Impairments and Functional Limitations furnished by the unlicensed individuals under their supervision?
- d. If so, do the licensed practitioners bill for the ABA services and the Treatment Services for Children with Cognitive Impairments and Functional Limitations?
- e. Please submit to CMS the part of the State's practice act that authorizes the licensed practitioners to supervise unlicensed individuals to furnish the ABA services and the Treatment Services for Children with Cognitive Impairments and Functional Limitations, and assume professional responsibility for these services. Alternatively, the State may submit to CMS the hyperlink to the section of the State's practice act.
- f. Please add the licensed practitioners who supervise the provision of the ABA services and Treatment Services for Children with Cognitive Impairments and Functional Limitations to the OLP benefit (item 6) of the State plan.