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**State/Territory Name: OH** 

State Plan Amendment (SPA) #: 16-0004

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

Department of Health & Human Services Centers for Medicare & Medicaid Services 233 North Michigan Avenue, Suite 600 Chicago, Illinois 60601-5519



April 27, 2016

John B. McCarthy, Director Ohio Department of Medicaid P.O. Box 182709 50 West Town Street, Suite 400 Columbus, Ohio 43218

RE: TN 16-004

Dear Mr. McCarthy:

Enclosed for your records is an approved copy of the following State Plan Amendment (SPA):

Transmittal #16-004 - Coverage & Limitations and Payment: Other Licensed

**Practitioner Services** 

- Effective Date: July 1, 2016

If you have any questions regarding this SPA, please have a member of your staff contact Christine Davidson at (312) 886-3642 or by email at <a href="mailto:christine.davidson@cms.hhs.gov">christine.davidson@cms.hhs.gov</a>.

Sincerely,

/s/ Alan Freund, Acting ARA

Ruth A. Hughes

Associate Regional Administrator

Division of Medicaid and Children's Health Operations

## Enclosure

cc: Sarah Curtin, ODM

Carolyn Humphrey, ODM Becky Jackson, ODM Greg Niehoff, ODM

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL	1. TRANSMITTAL NUMBER: <b>16-004</b>	2. STATE OHIO
FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE 07/01/16	
5. TYPE OF PLAN MATERIAL (Check One):		
DANGE OF A THE DLAN.		
□ NEW STATE PLAN □ AMENDMENT TO BE CONSIDERED AS NEW PLAN ☑ <b>AMENDMENT</b> COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)		
6. FEDERAL STATUTE/REGULATION CITATION:	7. FEDERAL BUDGET IMPACT:	amenament)
1905(a)(6) of the Act	and the state of the state of the state of the first and the contract of the state	543 thousands
42 CFR 440.60		.572 thousands
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):	
Attachment 3.1-A, Item 6-d-2, pages 1 and 2 of 2 Attachment 4.19-B, Item 6-d-(2), page 1 and 2 of 2	Attachment 3.1-A, Item 6-d-2, pages 1 and 2 of 2 (TN 15-018) Attachment 4.19-B, Item 6-d-(2), page 1 and 2 of 2 (TN 15-018)	
10. SUBJECT OF AMENDMENT: Coverage and Limitations and Payn	nent for Services: OLP: New Provider Ty	ypes
11. GOVERNOR'S REVIEW (Check One):  GOVERNOR'S OFFICE REPORTED NO COMMENT	☐ OTHER, AS SPEC	IFIFD:
☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED ☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL		or is the Governor's designee
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- 6. Medical care and any other types of remedial care recognized under state law furnished by licensed practitioners within the scope of their practice as defined by State law.
  - d. Other practitioners' services 42 CFR 440.60
    - 2. Non-Physician Licensed Behavioral Health Practitioners

A non-physician licensed behavioral health practitioner (NP-LBHP) is an individual who is licensed in the State of Ohio to prescribe, diagnose and/or treat behavioral health conditions and/or substance use disorders, operating within the scope of practice defined in State law and in any setting permissible under State practice law.

NP-LBHPs include individuals licensed and able to practice independently as:

- Licensed psychologists;
- Board-licensed school psychologists;
- Licensed professional clinical counselors (LPCCs);
- Licensed independent social workers (LISWs); and
- Licensed independent marriage and family therapists (LIMFTs).
- Licensed independent chemical dependency counselors (LICDCs)

NP-LBHPs also include the following professionals, licensed by a professional Board in the state of Ohio and authorized to practice under full or partial clinical supervision of an advanced practice nurse or independent NP-LBHP as outlined in state law:

- Licensed professional counselors;
- Licensed chemical dependency counselors III;
- Licensed chemical dependency counselors II;
- Licensed social workers: and
- Licensed marriage and family therapists.

NP-LBHPs also include the following professionals who are in licensure Board-approved training and under the supervision of a psychologist authorized to do so under state law:

- Doctoral psychology trainees; and
- Board-registered psychology assistants.

NP-LBHPs also include the following professionals who are in licensure Board-approved training and under the supervision of an advanced practice nurse or independent NP-LBHP authorized to do so under state law:

- Registered counselor trainees;
- Registered social work trainees; and
- Registered marriage and family therapist trainees.

Any practitioner other than licensed psychologists, board-licensed school psychologists, LPCCs, LISWs, LIMFTs, and LICDCs providing behavioral health services must operate within a provider agency licensed, certified or designated by ODM or its designee in settings permissible by that designation.

TN: <u>16-004</u> Approval Date: <u>4/27/16</u>

Supersedes: TN: <u>15-018</u> Effective Date: <u>07/01/2016</u>

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6. Medical care and any other types of remedial care recognized under state law furnished by licensed practitioners within the scope of their practice as defined by State law.

- d. Other practitioners' services 42 CFR 440.60
  - 2. Non-Physician Licensed Behavioral Health Practitioners

## Limitations:

- 1. Psychological testing is limited to a maximum of eight hours per twelve-month period per recipient in a non-hospital setting.
- 2. Therapeutic visits in excess of a combined 25 dates of service per recipient in a 12-month period in a non-hospital setting are not covered.
- 3. Diagnostic interview examinations will be limited to one per recipient per 12-month period and may not be billed on the same date of services as a therapeutic visit.

Additional services beyond the established limits may be allowed when medically necessary and approved through the prior authorization process.

A unit of service is defined according to the Current Procedural Terminology (CPT) or Healthcare Common Procedure Coding System (HCPCS) approved code set consistent with the National Correct Coding Initiative unless otherwise specified.

Beneficiaries younger than age twenty-one can access other psychologists' services without limitation when such services are medically necessary.

NP-LBHP services by any independent practitioner as incident to other provider services (e.g., physician offices, FQHCs) are allowed except as follows: If the individual is enrolled in a Medicaid managed care plan (MCP) and the MCP elects to continue to cover adult independent NP-LBHP services, or, if the individual is covered under Medicare, Medicaid will continue to pay Medicare cost sharing for independent NP-LBHP services covered by Medicare.

TN: <u>16-004</u> Approval Date: <u>4/27/16</u>

Supersedes: TN: <u>15-018</u> Effective Date: <u>07/01/2016</u>

- 6. Medical care and any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law, continued.
  - d. Other Licensed practitioners' services, continued.
    - (2) Non-Physician Licensed Behavioral Health Practitioners

Payment for services delivered by Non-Physician Licensed Behavioral Health Practitioners (NP-LBHP), as outlined in Attachment 3.1-A, is the lesser of the billed charge or the Medicaid fee schedule established by the State of Ohio.

All rates are published on the Ohio Department of Medicaid (ODM) Fee Schedule and Rates website at: <a href="http://medicaid.ohio.gov/providers/FeeScheduleandRates.aspx.">http://medicaid.ohio.gov/providers/FeeScheduleandRates.aspx.</a>

The agency's fee schedule rate was set as of January 14, 2016 and is effective for services provided on or after that date.

Except as otherwise noted in the State Plan, the State-developed fee schedule is the same for both governmental and private individual providers.

If a Medicare fee exists for a defined covered procedure code, the State will pay the following licensed practitioners at 100% of the Medicaid maximum for the service:

- Psychologists;
- Doctoral psychology trainees who are under the supervision of a licensed psychologist; and
- Board-registered psychology assistant who are under the supervision of a licensed psychologist.

If a Medicare fee exists for a defined covered procedure code, the State will pay the following independent practitioners at 85% of the Medicaid maximum for the service:

- Board-licensed school psychologists;
- Licensed professional clinical counselors (LPCCs);
- Licensed independent social workers (LISWs);
- Licensed independent marriage and family therapists (LIMFTs); and
- Licensed independent chemical dependency counselors (LICDCs).

If a Medicare fee exists for a defined covered procedure code, the State will pay the following practitioners requiring supervision at 85% of the Medicaid maximum for the service:

- Licensed professional counselors;
- Licensed chemical dependency counselors III;
- Licensed chemical dependency counselors II;
- Licensed social workers;
- Licensed marriage and family therapists;

TN: <u>16-004</u> Approval Date: <u>4/27/16</u>

 Supersedes:
 Effective Date: 07/01/2016

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6. Medical care and any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law, continued.

- d. Other Licensed practitioners' services, continued.
  - (2) Non-Physician Licensed Behavioral Health Practitioners
    - Registered counselor trainees;
    - Registered chemical dependency counselor assistants and trainees;
    - Registered social work trainees; and
    - Registered marriage and family therapist trainees.

The State will pay 100% of the Medicaid maximum fee for psychological testing regardless of the eligible mental health professional providing the service.

Any practitioner other than licensed psychologists, board-licensed school psychologists, LPCCs, LISWs, LIMFTs, and LICDCs providing behavioral health services must operate within a provider agency licensed, certified or designated by ODM or its designee in settings permissible by that designation.

TN: 16-004 Approval Date: <u>4/27/16</u>

Effective Date: 07/01/2016

Supersedes: TN: <u>15-018</u>