

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1301 Young Street, Room 833
Dallas, Texas 75202



Division of Medicaid & Children's Health, Region VI

July 26, 2010

Our Reference: SPA TX 10-019

Mr. Billy Millwee
Associate Commissioner for Medicaid & CHIP
Health and Human Services Commission
Post Office Box 13247
Mail Code: H100
Austin, Texas 78711

Dear Mr. Millwee:

We have reviewed the State's proposed amendment to the Texas State Plan submitted under Transmittal Number 10-019, dated May 12, 2010. This amendment implements both coverage and reimbursement for an environmental lead investigation services benefit under the Early and Periodic Screening Diagnosis and Treatment (EPSDT) section of the plan.

Additionally, please note that when the State submits a State Plan Amendment (SPA) that may impact Indians or Indian health providers, CMS will look for evidence of the State's Tribal consultation process for that SPA. Pursuant to the new section 1902(a)(73) of the Act added by section 5006(e) of the American Recovery and Reinvestment Act (ARRA) of 2009, the State must submit evidence to CMS regarding the solicitation of advice prior to submission of the State Plan Amendment. Such consultation must include all federally-recognized tribes, Indian Health Service and Urban Indian Organizations within the State.

Based on the information submitted, we have approved the amendment for incorporation into the official Texas State Plan with an effective date change of July 1, 2010. A copy of the CMS-179 and the approved plan pages are enclosed with this letter.


If you have any questions, please contact Ford J. Blunt at (214) 767-6381.

Sincerely,

Bill Brooks
Associate Regional Administrator

Enclosures

cc: Emily Zalkovsky, Policy Development Support

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES		1. TRANSMITTAL NUMBER: 10-019	2. STATE: TEXAS
		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: July 1, 2010	
5. TYPE OF PLAN MATERIAL (Circle One): <input type="checkbox"/> COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment) <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
6. FEDERAL STATUTE/REGULATION CITATION: 42 CFR Chapter 441, Subpart B, Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) of Individuals Under Age 21; §1905(r)(5) of the Social Security Act, relating to Early and Periodic Screening, Diagnosis and Treatment.		7. FEDERAL BUDGET IMPACT: SEE ATTACHMENT a. FFY 2010 \$6,731 b. FFY 2011 \$23,973 c. FFY 2012 \$23,577	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: SEE ATTACHMENT TO BLOCKS 8 AND 9		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): SEE ATTACHMENT TO BLOCKS 8 AND 9	
10. SUBJECT OF AMENDMENT: The proposed amendment adds an environmental lead investigation services benefit under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) section of the plan. The benefit will be covered when determined to be medically necessary for Medicaid recipients under the age of 21. The service is medically necessary for children who have an elevated blood lead level in accordance with federal guidelines and when it is recommended by a physician.			
11. GOVERNOR'S REVIEW (Check One): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input checked="" type="checkbox"/> OTHER, AS SPECIFIED: <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED Sent to Governor's Office this date. Comments, if any, will be forwarded upon receipt. <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL:		16. RETURN TO:	
13. TYPED NAME: Billy R. Millwee		Billy R. Millwee State Medicaid Director Post Office Box 13247 MC: H-100 Austin, Texas 78711-5200	
14. TITLE: State Medicaid Director			
15. DATE SUBMITTED May 11, 2010			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED: 12 May, 2010		18. DATE APPROVED: 26 July, 2010	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: 1 July, 2010		20. SIGNATURE OF REGIONAL OFFICIAL: 	
21. TYPED NAME: Bill Brooks		22. TITLE: Associate Regional Administrator DI of Medicaid & Children's Health	
23. REMARKS:			

4.b. **EPSDT Services (continued)**

Diagnostic Services - Environmental Lead Investigation Services

Definition:

Environmental lead investigation services outlined in this section of the state plan are available to Medicaid-eligible recipients under the age of 21 years, who are eligible for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services and for whom the service is medically necessary.

Services:

An environmental lead investigation is an EPSDT medically necessary service when a child has an elevated blood lead level in accordance with federal guidelines and the investigation is recommended by a child's provider. This service includes a one-time investigation to determine the source of lead at the child's home or primary residence.

Providers:

In accordance with the regulations at 42 CFR §431.51, all willing and qualified providers may participate in this program. Qualified providers are public health entities. These entities will ensure that all staff and contractors performing environmental lead investigation services are qualified lead risk assessors as stipulated in 40 CFR §745.226.

Place of Service:

Environmental lead investigation services may be delivered at the child's home or primary residence.

SUPERSEDES: NONE - NEW PAGE

STATE	Texas	A
DATE REC'D	5-12-10	
DATE APP'VD	7-26-10	
DATE EFF	7-1-10	
HCFA 179	10-19	

TN No. 10-19

Approval Date 7-26-10

Effective Date 7-1-10

Supersedes TN No. SUPERSEDES: NONE - NEW PAGE

4.b. EPSDT Services (continued)

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Supersedes TN No. _____

32. Reimbursement Methodologies for Early and Periodic Screening, Diagnosis, and Treatment- Comprehensive Care Program (EPSDT-CCP) Services - continued

- (19) Environmental Lead Investigations. The rate for on-site environmental lead investigations is reimbursable only for Medicaid-eligible clients under age 21. The initial rate is based on the estimated costs to perform an inspection of the child's primary dwelling. The estimated costs used to develop this rate include salary and fringe costs. Indirect costs are included based on the estimated lifespan of the equipment and the number of anticipated investigations completed annually.
- (a) Payment is limited to providers that are Certified Lead Risk Assessors accredited by the Texas Department of State Health Services.
 - (b) The rate for environmental lead investigations will be reviewed and updated periodically by projecting the initial rate from the historical cost period used to develop the initial rate to the perspective rate period using the Personal Consumption Expenditures (PCE) Chain - Type Price Index.
 - (c) All fee schedules are available through the agency's website, as outlined on Attachment 4.19-B, page 1.
 - (d) The agency's fee schedule was revised with the new fee for environmental lead investigations effective July 1, 2010, and is effective for services provided on or after that date. This fee schedule was posted on the agency's website on July 9, 2010.

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