

HEALTH AND HUMAN SERVICES COMMISSION

Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit an amendment to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendment is effective February 1, 2022.

The purpose of this amendment (transmittal number 21-0002) is to implement Texas General Appropriations Act Rider 28, Article II, Senate Bill 1 for the 2022-23 Biennium, which appropriated funds for applied behavioral analysis (ABA) services for autism. This amendment clarifies the coverage of certain early and periodic screening, diagnostic, and treatment (EPSDT) services for children and youth with a diagnosis of autism spectrum disorder (ASD); HHSC is also identifying the provider types eligible to deliver the services. Additionally, this amendment will update the reimbursement methodology and/or the fee schedules in the current state plan by adjusting fees, rates, or charges for these services.

ABA services will be covered as an EPSDT service to the extent required by 42 U.S.C. 1396a(a)(43). ABA services for Medicaid-enrolled children/youth with a diagnosis of ASD will include: behavior identification assessment; individual and group treatment by protocol; individual and group treatment with protocol modification; family treatment guidance; and the related service of treatment team conferences.

Providing ABA services will allow HHSC to expand the array of services available for the treatment of individuals with a diagnosis of ASD. ABA services will be provided using an interdisciplinary model of care, which will include participation of the individual and their parent/caregiver and will ensure the coordination of care for the individual.

These services may be provided by Texas-licensed Licensed Behavior Analysts (LBAs), by Texas-licensed Licensed Assistant Behavior Analysts (LaBAs), and by authorized nationally-certified or registered behavior technicians (BTs). Only LBAs will enroll in Medicaid to provide these services, and they will submit for reimbursement on behalf of the LaBAs and BTs they supervise.

The proposed amendment is estimated to result in an annual aggregate fee for service expenditure of \$647,267 for federal fiscal year (FFY) 2022, consisting of \$393,538 in federal funds and \$253,728 in state general revenue. For FFY 2023, the estimated result is an annual aggregate fee for service expenditure of \$2,426,946, consisting of \$1,475,583 in federal funds and \$951,363 in state general revenue. For FFY 2024, the estimated result is an annual aggregate fee for service expenditure of \$4,734,691, consisting of \$2,878,692 in federal funds and \$1,855,999 in state general revenue.

Further detail on specific reimbursement rates and percentage changes is available on the HHSC Provider Finance website under the proposed effective date at: <https://pfd.hhs.texas.gov/rate-packets>.

Rate Hearing. A rate hearing was conducted online on March 16, 2021, at 9:00 a.m. Information about the proposed rate changes and the hearing were published in the February 19, 2021, issue of the *Texas Register* (46 TexReg 1300-1301). The notice of hearing can be found at <http://www.sos.state.tx.us/texreg/index.shtml>.

Copy of Proposed Amendment. Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Holly Freed, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, TX 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposed amendment will be available for review at the local county offices of HHSC, which were formerly the local offices of the Texas Department of Aging and Disability Services.

Written Comments. Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission
Attention: Provider Finance Department
Mail Code H-400
P.O. Box 149030
Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission
Attention: Provider Finance Department
North Austin Complex
Mail Code H-400
4601 W. Guadalupe St.
Austin TX, 78751
Phone number for package delivery: 512-730-7401

Fax

Attention: Provider Finance at 512-730-7475

Email

PFDAcuteCare@hhs.texas.gov

Preferred Communication. During the current state of disaster due to COVID-19, physical forms of communication are checked with less frequency than during normal business operations. For quickest response, and to help curb the possible transmission of infection, please use e-mail or phone if possible for communication with HHSC related to this state plan amendment.