

MEDICAID SERVICES MANUAL
TRANSMITTAL LETTER

September 28, 2021

TO: CUSTODIANS OF MEDICAID SERVICES MANUAL

FROM: JESSICA KEMMERER, HIPAA PRIVACY AND CIVIL RIGHTS OFFICER

SUBJECT: MEDICAID SERVICES MANUAL CHANGES
CHAPTER 3700 – APPLIED BEHAVIORAL ANALYSIS (ABA)

BACKGROUND AND EXPLANATION

Revisions to Medicaid Services Manual (MSM) Chapter 3700, Applied Behavioral Analysis (ABA) are being proposed to incorporate the findings from Senate Bill 174 from Legislative Session 2019 and Senate Bill 96 from Legislative Session 2021. These chapter changes will include provider types permitted to bill ABA as well as the documentation required for treatment notes.

Throughout the chapter, grammar, punctuation and capitalization changes were made, duplications removed, acronyms used and standardized, and language reworded for clarity. Renumbering and re-arranging of sections was necessary. Structural changes were made to the chapter including renumbering and re-arranging of sections. Section 3704.4(E)-(G) – subsections were added.

Entities Financially Affected:

This proposed change affects all Medicaid-enrolled providers delivering ABA services. Those provider types include, and are limited to:

PT 85 Specialty 310 - Licensed Behavioral Analyst (LBA) specialty
PT 85 Specialty 311 - Psychologist specialty
PT 85 Specialty 312 - Licensed Assistant Behavioral Analyst (LaBA) specialty
PT 85 Specialty 314 - Registered Behavioral Technician (RBT) specialty
PT 60 School Health Services
Indian Health Services/Tribal 638/Tribal FQHCs

Financial Impact on Local Government: There is no estimated financial impact to Local Government based on these changes.

These changes are effective January 1, 2022

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Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
3704.4 E-F	Provider Responsibility	Policy clarification of allowed providers
3704.4 G		Documentation requirements.

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6. Services, supplies or procedures performed in a non-conventional setting including but not limited to Resorts, Spas and Camps.
7. Custodial services:
 - a. For the purpose of these provisions, custodial care:
 1. Shall be defined as care that is provided primarily to assist in the activities of daily living (ADLs) such as bathing, dressing, eating, and maintaining personal hygiene and safety;
 2. Is provided primarily for maintaining the recipient's or anyone else's safety; and
 3. Could be provided by persons without professional skills or training.
8. Services not authorized by the QIO-like vendor if an authorization is required according to policy.
9. Respite services.
10. Child-care services.
11. Services for education.
12. Equine therapy.
13. Hippotherapy.
14. Phone consultation services.
15. Care coordination and treatment planning billed independently of direct service.
16. ABA services cannot be reimbursed on the same day as Basic Skills Training (BST) and Psychosocial Rehabilitation (PSR) as defined in MSM Chapter 400.

3704.3 PROVIDER QUALIFICATIONS

- A. In order to be recognized and reimbursed as an ABA provider by the DHCFP, the provider must be one of the following:

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1. Licensure as a Physician by the Nevada State Board of Medical Examiners acting within their scope of practice (NRS 630.630, 630.165, 630.195, 633 Nevada Administrative Code (NAC) 630.080), and 42 CFR §440.50.
2. A Psychologist licensed under by the Board of Psychological Examiners (NRS 641.170.3) and acting within their scope of practice.
3. A qualified Behavior Analyst is an individual who has earned a master’s degree level and/or doctorate from an accredited college or university in a field of social science or special education and holds a current certificate as a Board–Certified Behavior Analyst (BCBA and BCBA-D) by the BACB, Inc., and licensed by the Nevada State Board of Applied Behavior Analysis under NRS 437.205 .
4. A qualified Assistant Behavior Analyst is an individual who has earned a bachelor’s degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board–Certified Assistant Behavior Analyst (BCaBA) by the BACB, Inc., and licensed by the Nevada State Board of Applied Behavior Analysis under NRS 437.205 and acting within their scope of practice under the direction of a physician, psychologist, BCBA-D or BCBA.
5. A Registered Behavior Technician (RBT) is an individual who has earned a high school diploma or equivalent, completed training and testing as approved and credentialed by the BACB, Inc., registered by the Nevada Stated Board of Applied Behavior Analysis under NRS 437.205 and acting within the scope of practice under direction of a physician, psychologist, BCBA-D, BCBA or BCaBA.

3704.3A SUPERVISION STANDARDS

Clinical Supervision as established by NRS 437.050, which includes: program development, ongoing assessment and treatment oversight, report writing, demonstration with the individual, observation, interventionist and parent/guardian training/education and oversight of transition and discharge plans. All supervision must be overseen by a Licensed Psychologist, BCBA-D or BCBA who has experience in the treatment of autism, although the actual supervision may be provided by a BCaBA at their direction. The amount of supervision must be responsive to individual needs and within the general standards of care and may temporarily increase to meet the individual needs at a specific period in treatment.

3704.4 PROVIDER RESPONSIBILITY

- A. The provider will allow, upon request of proper representatives of the DHC FP, access to all records which pertain to Medicaid recipients for regular review, audit or utilization review.

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- B. Once an approved prior authorization request has been received, providers are required to notify the recipient in a timely manner of the approved service units and service period dates.
- C. Ensure services are consistent with applicable professional standards and guidelines relating to the practice of ABA as well as state Medicaid laws and regulations and state licensure laws and regulations.
- D. Ensure caseload size is within the professional standards and guidelines relating to the practice of ABA.
- E. Provider Type (PT) 85 groups may not be linked with any other provider types. The group NPI must be unique to the group.
- F. PT 60 School Health Services (SHS), PT 85 and Indian Health Services/Tribal 638/Tribal FQHCs are the only provider types permitted to bill for ABA services.
 - a. Providers that may enroll, link, and provide services under these PTs are limited to the following:
 - PT 85 Specialty 310 - Licensed Behavioral Analyst (LBA) specialty
 - PT 85 Specialty 311 - Psychologist specialty
 - PT 85 Specialty 312 - Licensed Assistant Behavioral Analyst (LaBA) specialty
 - PT 85 Specialty 314 - Registered Behavioral Technician (RBT) specialty
 - PT 60 - School Health Services (SHS)
- G. Progress Notes: Progress notes for all ABA services are written documentation of treatment services, or services coordination provided to the recipient pursuant to the Treatment Plan, which describes the progress, or lack of progress, towards the goals and objectives of the Treatment Plan. Progress notes must be available upon request for review and investigation of claims.
 - a. All progress notes documented with the intent of submitting a billable Medicaid ABA service claim must be documented in a manner that is sufficient to support the claim and billing of the services provided and must further document the amount, scope, frequency and duration of the services(s) provided as well as the identity of the provider of the service(s).
 - b. A Progress Note is required for each day the services were delivered, must be legible and must include the following information:
 - 1. The name of the individual receiving the service(s). If the services are in a group setting, it must be indicated.

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2. The place of service.
3. The date the service was delivered.
4. The actual beginning and ending times the service was delivered.
5. The name of the provider who delivered the service.
6. The credentials of the person who delivered the service.
7. The signature of the provider who delivered the service.

3704.5 PARENT/GUARDIAN RESPONSIBILITY

A. The parent/guardian when applicable must:

1. Be present during all provider training and supervisory visits that occur during home-based services. A parent/guardian may designate an authorized representative, who is 18 years of age or older, to participate in the parent/guardian's absence during home-based services.
2. Participate in discussions during supervisory visits and training.
3. Participate in training by demonstrating taught skills to support generalization of skills to the home and community environment.
4. Sign the treatment plan indicating an understanding and agreement of the plan.
5. Participate in treatment hours.
6. Keep scheduled appointments.
7. Inform provider within 24 hours if the appointment needs to be rescheduled.

3704.6 TREATMENT PLAN

- ##### A. All ABA services must be provided under a treatment plan developed and approved by a licensed psychologist, BCBA-D or BCBA, supported by a BCaBA where applicable. The licensed psychologist, BCBA-D or BCBA trains the BCaBA and RBT to implement assessment and intervention protocols with the individual and provides training and instruction to the parent/guardian and caregiver as necessary to support the implementation of the ABA treatment plan. The licensed psychologist, BCBA-D or BCBA is responsible for all aspects of clinical direction, supervision, and case management.