

DEPARTMENT OF SOCIAL SERVICES

Notice of Intent to Adopt Regulations Regulation 14-07 – Autism Spectrum Disorder Services¹

In accordance with sections 4-168(a) and 17b-10 of the Connecticut General Statutes, as amended, the Department of Social Services (the “Department”) gives notice that pursuant to the authority of sections 17b-3, 17b-10 and 17b-262, as amended, of the Connecticut General Statutes, the Department intends to amend the Regulations of Connecticut State Agencies by adding provisions concerning autism spectrum disorder (ASD) services and amending existing regulations as necessary to implement the new proposed regulations. A description of the proposed regulations, a statement of the purposes for which they are proposed, and information concerning when, where and how interested parties may present views on and obtain copies of the proposed regulations is provided below.

The Department plans to implement and begin operating under these policies and procedures effective January 1, 2015 or immediately after the policies and procedures are posted to the Secretary of State’s website, whichever is later, as authorized pursuant to section 17b-10 of the Connecticut General Statutes, as amended.

1. Description of the Proposed Regulations

The proposed regulation establishes new regulatory provisions concerning Medicaid reimbursement for ASD services.

2. Statement of Purpose

The purpose of the regulation is to establish new requirements governing payment for ASD services, including the comprehensive diagnostic evaluation, development of the behavioral plan of care and ASD treatment services.

(A) The problems, issues or circumstances that the regulation proposes to address: On July 7, 2014, the U.S. Centers for Medicare and Medicaid Services issued an Informational Bulletin explaining that a variety of medically necessary ASD services are coverable within the Medicaid State Plan pursuant to 42 USC 1396d(a) and are therefore required to be covered for all Medicaid members under age twenty-one pursuant to the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) requirements set forth in 42 USC 1396(d)(r)(5). In accordance with that CMS guidance, this regulation is necessary to implement payment for ASD services pursuant to EPSDT. These regulations also establish

¹ Updated as of December 24, 2014.

rules to expand medically necessary ASD services for Medicaid members under age twenty-one, which is particularly important as the prevalence of ASD has been rising and earlier treatment is generally more effective. Because the treatment services described in this regulation are primarily designed to be delivered in the home and in community-based settings, this regulation also helps increase the opportunities for care in home and community-based settings. Finally, this regulation establishes rules to help ensure that ASD services are high quality, carefully tailored to each member's unique needs based on a behavioral plan of care, and are provided by qualified providers.

(B) The main provisions of the regulation: (1) Define necessary terms; (2) describe the services covered, service limitations, required provider qualifications and services not covered; (3) describe prior authorization requirements; (4) identify billing and payment rules; (5) describe documentation requirements; and (6) add necessary cross-references in the regulations of appropriate provider types.

(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws: The proposed regulation establishes rules governing payment for ASD services, including adding cross-references in the regulations of appropriate provider types.

3. Procedure for Submitting Comments on the Proposed Regulation

Written comments regarding these regulations may be submitted via email: to brenda.parrella@ct.gov or may be mailed to the Department of Social Services, Office of Legal Counsel, Regulations and Administrative Hearings, 55 Farmington Avenue, Hartford, Connecticut, 06105, Attention: Brenda Parrella, Director. When submitting correspondence, please reference "Regulation Number 14-07 – Autism Spectrum Disorder Services."

4. Deadline for Submitting Comments

Public comments must be submitted during the period from January 9, 2015 through February 9, 2015, inclusive.

5. Public Hearing for the Proposed Regulation

In addition to submitting written comments in accordance with the procedures described above, all interested persons who wish to present their views, questions, or concerns regarding these regulations may also do so at a public hearing to be held on Tuesday, February 10, 2015 from 10:00 a.m. to 11:00 a.m. in Conference Room 1011 on the First

Floor, at the Department of Social Services, 55 Farmington Avenue, Hartford, Connecticut 06105.

6. Procedure(s) for obtaining copies of the proposed regulations and the fiscal note

A copy of the complete text of this regulation and the fiscal note are available, at no cost, upon request from the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 55 Farmington Avenue, Hartford, Connecticut 06105; email: joel.norwood@ct.gov. A copy of the complete text of this regulation is also available online at <http://www.ct.gov/dss>; select “Publications,” then select “Policies and Regulations,” then select “Notices of Intent, Operational Policies, and Proposed Regulations,” then select “Autism Spectrum Disorder Services”.