

DEPARTMENT OF SOCIAL SERVICES

Notice of Intent to Adopt Regulations

Regulation # 13-04 – Licensed Behavioral Health Clinicians

In accordance with section 4-168(a) 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-262 and section 220 of Public Act 14-217, it intends to amend sections 17b-262-912 to 17b-262-913, inclusive, of the Regulations of Connecticut State Agencies, regarding licensed behavioral health clinicians in independent practice (licensed alcohol and drug counselors, licensed clinical social workers, licensed marital and family therapists, and licensed professional counselors) to expand Medicaid coverage for those services to members of all ages and all coverage groups.

The Department plans to implement and begin operating under these policies and procedures effective July 25, 2014, as authorized pursuant to section 220 of Public Act 14-217.

Statement of Purpose: As required by section 220 of Public Act 14-217, this regulation will enable the department to cover services performed by licensed behavioral health clinicians in independent practice for all Medicaid clients. Previously, this coverage was limited to clients under age twenty-one and HUSKY A clients of all ages.

(A) The problems, issues or circumstances that the regulation proposes to address: When Connecticut’s Medicaid program operated partially under a managed care model (for HUSKY A clients), managed care organizations included licensed behavioral health clinicians in their provider networks. In 2006, behavioral health services transitioned to the Behavioral Health Partnership and for continuity of care, those services for HUSKY A clients of all ages were continued under the managed care waiver. Effective January 1, 2008, Connecticut’s Medicaid State Plan was amended to provide coverage for licensed behavioral health clinician services for clients under age twenty-one. After Medicaid fully transitioned to a fee-for-service model on January 1, 2012, for continuity of care, coverage for such services was maintained for HUSKY A clients of all ages. Current regulations limit such coverage to clients under age twenty-one and HUSKY A clients of all ages. This regulation is necessary to enable the department to cover such services for clients of all ages.

The department proposes to expand this coverage for several reasons. First, this change is required by statute at section 220 of Public Act 14-217. Second, this coverage will expand access to behavioral health services for clients of all ages, including greater access to more specialized categories of licensed behavioral health clinicians than is currently available in some settings. Third, these services will enable clients to access routine behavioral health care more easily to help better manage and maintain their conditions, likely reducing acuity and preventing hospitalizations or long-term services and supports (LTSS) that might otherwise be necessary, resulting in better and more cost-effective care that is consistent with Connecticut’s Statewide LTSS Rebalancing Plan. Those new options will also increase client choice and person-centered care. Finally, expanding coverage for routine behavioral health services should increase the

number of participating behavioral health clinicians. By diverting routine services to those new providers, this coverage expansion should help increase access to acute and complex behavioral health services at institutional providers. This coverage expansion is particularly appropriate now that the state recently expanded Medicaid eligibility to all adults earning up to 138% of the federal poverty level effective January 1, 2014, pursuant to section 2001 of the Affordable Care Act.

(B) The main provisions of the regulation: (1) Remove limitations on the specific groups of clients eligible to receive licensed behavioral health clinician services and (2) make technical revisions.

(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 will amend the existing behavioral health clinician regulations to enable the department to cover services provided by licensed behavioral health clinicians to all clients.

Obtaining a Copy of the Proposed Regulation

A copy of the complete text of this regulation is available, at no cost, upon request from the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 25 Sigourney Street, Hartford, Connecticut 06106; 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 “Licensed Behavioral Health Clinicians.

Procedure for Submitting Comments on the Proposed Regulation

All written comments regarding these regulations must be submitted within thirty days of the publication of this notice in the Connecticut Law Journal to the Department of Social Services, Office of Legal Counsel, Regulations and Administrative Hearings, 55 Farmington Avenue, Hartford, Connecticut, 06105, Attention: Brenda Parrella, Director, or via email: brenda.parrella@ct.gov. A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision or agency or by an association having not less than fifteen members, if notice of the request is received by the Department within fourteen days after the date of publication of this notice in the Connecticut Law Journal. When submitting correspondence, please reference “Regulation Number 13-04 – Licensed Behavioral Health Clinicians.”