



COMMONWEALTH of VIRGINIA
Office of the Governor

Janet Vestal Kelly
Secretary of Health and Human Resources

August 21, 2024

Todd McMillion
Director
Department of Health and Human Services
Centers for Medicare and Medicaid Services
233 North Michigan Ave., Suite 600
Chicago, Illinois 60601

Dear Mr. McMillion:

Attached for your review and approval is amendment 24-021, entitled "Licensed Behavior Analysts — Credentialed Addiction Treatment Professionals" to the Plan for Medical Assistance for the Commonwealth. I request that your office approve this change as quickly as possible.

Sincerely,

A handwritten signature in blue ink that reads "Janet V. Kelly".

Janet V. Kelly

Attachment

cc: Cheryl J. Roberts, Director, Department of Medical Assistance Services
CMS, Region III

Transmittal Summary

SPA 24-021

I. IDENTIFICATION INFORMATION

Title of Amendment: Licensed Behavior Analysts — Credentialed Addiction Treatment Professionals

II. SYNOPSIS

Basis and Authority: The Code of Virginia (1950) as amended, § 32.1-325, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The Code of Virginia (1950) as amended, § 32.1-324, authorizes the Director of the Department of Medical Assistance Services (DMAS) to administer and amend the Plan for Medical Assistance according to the Board's requirements.

House Bill 503 of the 2024 General Assembly requires DMAS to amend the definition of “Credentialed Addiction Treatment Professional” to include Licensed Behavior Analysts.

Purpose: The state plan is being amended to add Licensed Behavior Analysts (LBAs) to the definition of “Credentialed Addiction Treatment Professional.” LBAs are not currently recognized by DMAS in the Addiction and Recovery Treatment Services (ARTS) program as practitioners because behavior analysts provide a broad spectrum of behavioral health services. Behavioral Analysis does, however, include a subspecialty directed at treating substance use disorders. Adding LBAs to the definition of a “Credentialed Addiction Treatment Professional,” and recognizing them as a provider type under the ARTS program, helps address the shortage of available credentialed addiction treatment professionals in Virginia.

Substance and Analysis: The section of the State Plan that is affected by this amendment is “The Amount, Duration, and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy and Medically Needy”.

Impact: None.

Tribal Notice: Please see attached.

Prior Public Notice: N/A

Public Comments and Agency Analysis: N/A

Williams, Jimiequa (DMAS)

To:TribalOffice@MonacanNation.com;Ann Richardson;Pam Thompson (pamelathompson4@yahoo.com);Rappahannock Tribe (rappahannocktrib@aol.com);Reginald Stewart (regstew007@gmail.com);Gray, Robert;Adrian Compton;Stephen Adkins (chiefstephenadkins@gmail.com);bradbybrown@gmail.com (bradbybrown@gmail.com);tabitha.garrett@ihs.gov (tabitha.garrett@ihs.gov);kara.kearns@ihs.gov (kara.kearns@ihs.gov);ReBecca.Robinson@ihs.gov;Dave Hennaman <davehennaman@gmail.com>;Nansemond Administrator <administrator@nansemond.gov>;info@afwellness.com; info@fishingpointhc.com;contact@Nansemond.gov;brandon.custalow@mattaponination.com;admin@umitribe.org; lorraine.reels-pearson@ihs.gov;remedios.holmes@ihs.gov;lindsey.taylor@ihs.gov;joni.lyon@ihs.gov;Joanne.howard@cit-ed.org

Tue 7/30/2024 9:28 AM

Tribal Notice letter (7.30.24).docx

Good morning.

Dear Tribal Leaders and Indian Health Programs:

Attached is a Tribal Notice letter from Virginia Medicaid's Director, Cheryl J. Roberts, indicating that the Dept. of Medical Assistance Services (DMAS) plans to submit a State Plan Amendment (SPA) to the federal Centers for Medicare and Medicaid Services regarding Licensed Behavior Analysts (LBAs).

If you would like a copy of the SPA documents or proposed text changes, or if you have any questions, please let us know.

Thank you.

-J. Williams

Jimeequa Williams

Regulatory Coordinator

Policy Division

Department of Medical Assistance Services

Hours: 7:30 a.m. - 5:00 p.m. (Monday-Thursday); 7:30 a.m. - 11:30 a.m. (Friday)

jimeequa.williams@dmas.virginia.gov

(804) 225-3508

www.dmas.virginia.gov





COMMONWEALTH of VIRGINIA

Department of Medical Assistance Services

CHERYL J. ROBERTS
DIRECTOR

SUITE 1300
600 EAST BROAD STREET
RICHMOND, VA 23219
804/786-7933
800/343-0634 (TDD)
www.dmas.virginia.gov

July 30, 2024

SUBJECT: Notice of Opportunity for Tribal Comment – Licensed Behavior Analysts —
Credentialed Addiction Treatment Professionals

Dear Tribal Leader and Indian Health Programs:

This letter is to notify you that the Department of Medical Assistance Services (DMAS) is planning to amend the Virginia State Plan for Medical Assistance with the Centers for Medicare and Medicaid Services (CMS). Specifically, DMAS is providing you notice about a State Plan Amendment (SPA) that the Agency will file with CMS in order to add Licensed Behavior Analysts (LBAs) to the definition of “Credentialed Addition Treatment Professional,” in accordance with House Bill 503 of the 2024 General Assembly.

LBAs are not currently recognized by DMAS in the Addiction and Recovery Treatment Services (ARTS) program as practitioners because behavior analysts provide a broad spectrum of behavioral health services. Behavioral Analysis does, however, include a subspecialty directed at treating substance use disorders. Adding LBAs to the definition of a “Credentialed Addiction Treatment Professional,” and recognizing them as a provider type under the ARTS program, helps address the shortage of available credentialed addiction treatment professionals in Virginia.

We realize that the changes in this SPA may impact Medicaid members and providers, including tribal members and providers. Therefore, we encourage you to let us know if you have any comments or questions. The tribal comment period for this SPA is open through August 30, 2024. You may submit your comments directly to Jimiequa Williams, DMAS Policy Division, by phone (804) 225-3508, or via email: Jimiequa.Williams@dmas.virginia.gov. Finally, if you prefer regular mail you may send your comments or questions to:

Virginia Department of Medical Assistance Services
Attn: Jimiequa Williams
600 East Broad Street
Richmond, VA 23219

Please forward this information to any interested party.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl J. Roberts".

Cheryl J. Roberts
Director

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

**AMOUNT, DURATION, AND SCOPE OF MEDICAL
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY
and MEDICALLY NEEDY**

Provider Qualifications:

“Care Coordination Provider” means one of the following: 1.) At least a bachelor's degree in one of the following fields (social work, psychology, psychiatric rehabilitation, sociology, counseling, vocational rehabilitation, human services counseling) and have one of the following qualifications (i) substance use related direct experience providing services to individuals with a diagnosis substance abuse use disorder or (ii) clinical experience working with individuals with co-occurring diagnoses of substance use disorder and mental illness; 2.) Licensure by the Commonwealth as a registered nurse with (i) substance use related direct experience providing services to individuals with a diagnosis of substance use disorder or (ii) clinical experience working with individuals with co-occurring diagnoses of substance use disorder and mental illness; or 3.) Certification as a Board of Counseling Certified Substance Abuse Counselor CSAC, CSAC-supervisee or CSAC-Assistant under supervision as defined in state law.

"Credentialed addiction treatment professional" means (i) an addiction-credentialed physician or physician or physician extender with experience or training in addiction medicine; (ii) a licensed psychiatrist; (iii) a licensed clinical psychologist; (iv) a licensed clinical social worker; (v) a licensed professional counselor; (vi) a certified psychiatric clinical nurse specialist; (vii) a licensed psychiatric nurse practitioner; (viii) a licensed marriage and family therapist; (ix) a licensed substance abuse treatment practitioner; (x) a licensed behavior analyst; (~~xi~~) residents under supervision of a licensed professional counselor, licensed marriage and family therapist, or licensed substance abuse treatment practitioner who is registered with the Virginia Board of Counseling; (~~xii~~) a resident in psychology under supervision of a licensed clinical psychologist who is registered with the Virginia Board of Psychology; (~~xiii~~) a supervisee in social work under the supervision of a licensed clinical social worker who is registered with the Virginia Board of Social Work;

“CSAC” means (as certified by the Virginia Department of Health Professions) a certified substance abuse counselor shall be qualified to perform, under clinical supervision or direction, substance abuse treatment functions described in subsequent pages of this document. Certified substance abuse counselors shall not engage in independent or autonomous practice.

“CSAC-A” means (as certified by Virginia’s Department of Health Professions) a certified substance abuse counseling assistant shall be qualified to perform, under appropriate clinical supervision or direction, the substance abuse treatment functions described in subsequent pages of this document. Certified substance abuse counseling assistants may participate in recovery group discussions, but shall not engage in counseling with either individuals or groups or engage in independent or autonomous practice.

“CSAC-supervisee” means a certified substance abuse counseling supervisee, which is an individual who has completed the educational requirements, but not the practice hours, to become a CSAC.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

**AMOUNT, DURATION, AND SCOPE OF MEDICAL
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY
and MEDICALLY NEEDY**

Provider Qualifications:

“Care Coordination Provider” means one of the following: 1.) At least a bachelor's degree in one of the following fields (social work, psychology, psychiatric rehabilitation, sociology, counseling, vocational rehabilitation, human services counseling) and have one of the following qualifications (i) substance use related direct experience providing services to individuals with a diagnosis substance abuse use disorder or (ii) clinical experience working with individuals with co-occurring diagnoses of substance use disorder and mental illness; 2.) Licensure by the Commonwealth as a registered nurse with (i) substance use related direct experience providing services to individuals with a diagnosis of substance use disorder or (ii) clinical experience working with individuals with co-occurring diagnoses of substance use disorder and mental illness; or 3.) Certification as a Board of Counseling Certified Substance Abuse Counselor CSAC, CSAC-supervisee or CSAC-Assistant under supervision as defined in state law.

"Credentialed addiction treatment professional" means (i) an addiction-credentialed physician or physician or physician extender with experience or training in addiction medicine; (ii) a licensed psychiatrist; (iii) a licensed clinical psychologist; (iv) a licensed clinical social worker; (v) a licensed professional counselor; (vi) a certified psychiatric clinical nurse specialist; (vii) a licensed psychiatric nurse practitioner; (viii) a licensed marriage and family therapist; (ix) a licensed substance abuse treatment practitioner; (x) a licensed behavior analyst; (xi) residents under supervision of a licensed professional counselor, licensed marriage and family therapist, or licensed substance abuse treatment practitioner who is registered with the Virginia Board of Counseling; (xii) a resident in psychology under supervision of a licensed clinical psychologist who is registered with the Virginia Board of Psychology; (xiii) a supervisee in social work under the supervision of a licensed clinical social worker who is registered with the Virginia Board of Social Work;

“CSAC” means (as certified by the Virginia Department of Health Professions) a certified substance abuse counselor shall be qualified to perform, under clinical supervision or direction, substance abuse treatment functions described in subsequent pages of this document. Certified substance abuse counselors shall not engage in independent or autonomous practice.

“CSAC-A” means (as certified by Virginia’s Department of Health Professions) a certified substance abuse counseling assistant shall be qualified to perform, under appropriate clinical supervision or direction, the substance abuse treatment functions described in subsequent pages of this document. Certified substance abuse counseling assistants may participate in recovery group discussions, but shall not engage in counseling with either individuals or groups or engage in independent or autonomous practice.

“CSAC-supervisee” means a certified substance abuse counseling supervisee, which is an individual who has completed the educational requirements, but not the practice hours, to become a CSAC.

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER ____ _	2. STATE ____
---------------------------------	------------------

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT XIX XXI
--

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

5. FEDERAL STATUTE/REGULATION CITATION
--


6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY _____ \$ _____
b. FFY _____ \$ _____

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
--

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

9. SUBJECT OF AMENDMENT

10. GOVERNOR'S REVIEW (Check One)	OTHER, AS SPECIFIED:
GOVERNOR'S OFFICE REPORTED NO COMMENT	Secretary of Health and Human Resources
COMMENTS OF GOVERNOR'S OFFICE ENCLOSED	
NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL	

11. SIGNATURE OF STATE AGENCY OFFICIAL 
12. TYPED NAME
13. TITLE
14. DATE SUBMITTED

15. RETURN TO

FOR CMS USE ONLY	
16. DATE RECEIVED	17. DATE APPROVED

PLAN APPROVED - ONE COPY ATTACHED	
18. EFFECTIVE DATE OF APPROVED MATERIAL	19. SIGNATURE OF APPROVING OFFICIAL
20. TYPED NAME OF APPROVING OFFICIAL	21. TITLE OF APPROVING OFFICIAL

22. REMARKS
