

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
Department of Vermont Health Access (DVHA)**

AHS Bulletin No: 11-21

Secretary of State's ID Number: ###-##

FROM: Mark Larson, Commissioner
Department of Vermont Health Access

DATE: 12/02/11

SUBJECT: Rehabilitative Therapy Services for Beneficiaries under Age 21 – Repeal of Emergency Rule #11-E09

CHANGES ADOPTED EFFECTIVE: 12/09/11

TYPE OF RULE CHANGE

**Repeal of Emergency Rule
Change**

RULE REFERENCE(S):

7317

This emergency rule is being implemented to repeal the emergency rule in Secretary of State's ID Number #11-E09 per the objections of the Legislative Committee on Administrative Rules (LCAR). At its meeting on 11/17/11 LCAR objected pursuant to 3 V.S.A. § 844(e) on the grounds that the rule is not necessitated by an imminent peril to public health, safety or welfare sufficient to justify adoption of an emergency rule. Emergency rules are the only means available to the DVHA to repeal the emergency rule in State's ID Number #11-E09.

This rule reverses the changes to Medicaid Rule 7317 in Secretary of State's ID Number #11-E09 that became effective on 11/7/11 back to the rule language that was previously adopted 2/26/11 in Secretary of State's ID Number #10P-032).

The DVHA amends the following utilization control on rehabilitative therapy services for Medicaid beneficiaries under the age of 21:

Physical, occupational, or speech therapy visits are amended from earlier oversight of 8 visits per acute care episode/condition back to a period of 4 months before requiring a prior authorization. Provision of therapy after 4 months is subject to prior authorization review as specified in Medicaid Rule 7317.2.

All changes are for those individuals under the age of 21 enrolled in Medicaid, as specified below. DVHA uses the EPSDT definition of child (individual under the age of 21). This definition is consistent with existing rules that differentiate coverage based on an adult/child definition (Rules 4100, 7312, 7313, 7316, 7406.1, and 7410).

Specific Changes to Rule Sections

Section	Description of Change
7317	7317.1, B.: sentence one added “ <i>four months</i> ” and deleted “ <i>eight (8) therapy visits for each physical therapy, occupational therapy and speech/language therapy</i> ”; and sentence two added “ <i>four month period</i> ” and deleted “ <i>8 visits</i> ”.

To get more information about the Administrative Procedures Act and the Rules applicable to state rule making go to the website of the Office of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/index.htm> or call Louise Corliss at 828-2863. [General information, not specific rule content information]

For information on upcoming hearing before the Legislative Committee on Administrative rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedules/schedule2.cfm> or call 828-5760.

7317 Rehabilitative Therapy Services

Rehabilitative Therapy services include diagnostic evaluations and therapeutic interventions that are designed to improve, develop, correct, prevent the worsening of, or rehabilitate functions that affect the activities of daily living that have been lost, impaired, or reduced as a result of acute or chronic medical conditions, congenital anomalies, or injuries. Rehabilitative Therapies include Occupational Therapy (OT), Physical Therapy (PT), and Speech Therapy (ST) (also called Speech/Language Therapy or Speech Language Pathology). The definition and meanings of Occupational Therapy, Physical Therapy, and Speech Therapy can be found in the State Practice Acts at 26 V.S.A. §2081a, §3351, and §4451.

Rehabilitative Therapy services must be:

- directly related to an active treatment regimen designed by the physician; and
- of such a level of complexity and sophistication that the judgment, knowledge, and skills of a qualified therapist are required; and
- reasonable and necessary under accepted standards of medical practice to the treatment of the patient's condition.

Note: Not all services listed in the State Practice Acts are medical in nature. Medicaid only covers medically necessary rehabilitative therapy services. Medical Necessity is defined in Medicaid Rule 7103.

7317.1 Limitations

Quantity limits on services are on a per beneficiary basis, regardless of program. Changing programs and/or eligibility during a calendar year does not reset the number of available visits. These service limitations and prior authorization requirements are not applicable when Medicare is the primary payer.

A. Rehabilitative Therapy Services for Beneficiaries Age 21 and Older

Thirty (30) therapy visits per calendar year are covered and include any combination of physical therapy, occupational therapy and speech/language therapy.

Prior authorization beyond 30 therapy visits in a calendar year will only be granted to beneficiaries with the following diagnoses, and only if the beneficiary meets the criteria found in Medicaid Rule 7317:

- Spinal Cord Injury
- Traumatic Brain Injury
- Stroke
- Amputation
- Severe Burn

B. Rehabilitative Therapy Services for Beneficiaries Under Age 21

Services are covered for up to four months based on a physician's order. Provision of therapy services beyond the initial four-month period is subject to prior authorization review as specified below (Rule 7317.2).

7317.2 Prior Authorization Requirements:

Prior authorization is defined at Medicaid Rule 7102-7102.4.

To receive prior authorization for additional services a physician must submit a written request to the department with pertinent clinical data showing the need for continued treatment, projected goals and estimated length of time.

7317.3 Rehabilitative Therapy Services: Home Health

Rehabilitative therapy services provided by a home health agency are covered for up to four months based on a physician's order, for beneficiaries of any age. Provision of therapy services beyond the initial four-month period is subject to prior authorization review as specified below.

Prior Authorization Requirements:

In making its prior authorization decision, the department will obtain and take into consideration a qualified therapist's assessment when determining whether the service may be reasonably provided by the patient's support person(s). In addition, when the department has determined that therapy services may be reasonably provided by the patient's support person(s) and the patient otherwise meets the criteria for authorization of therapy services beyond the initial four-month period, professional oversight of the support person's provision of these services is covered, provided such oversight is medically necessary.

Prior authorization for rehabilitative therapy services beyond one year will be granted only:

- if the service may not be reasonably provided by the patient's support person(s), or
- if the patient undergoes another acute care episode or injury, or
- if the patient experiences increased loss of function, or
- if deterioration of the patient's condition requiring therapy is imminent and predictable.