



of Wisconsin Disability Organizations

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From: The Survival Coalition of Wisconsin Disability Organizations Co-Chairs:  
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Re: Coverage of Services for Children with Autism under EPSDT

Survival Coalition is comprised of more than 30 statewide disability organizations that advocate and support policies and practices that lead to the full inclusion, participation, and contribution of people living with disability. Survival read with interest the July 7, 2014 CMCS Informational Bulletin *Clarification of Medicaid Coverage of Services to Children with Autism*. In 2004 WI chose to move intensive-in-home treatment services for children with autism from EPSDT to the new children's HCBS waivers believing that CMS would not allow continued provision through the Medicaid state plan services. Since that time treatment services have been provided through the children's waiver.

The bulletin clarifies current CMS policy about how these services can be provided. Survival believes the bulletin requires states to cover intensive treatment (including ABA) under the state plan using the EPSDT benefit rather than the waiver. See page 5 section *Implications for Existing Section 1915(c), Section 1915 (i) and Section 1115 Programs*. Our belief is confirmed by the fact that several states<sup>1</sup> already cover intensive autism services under EPSDT and this coverage is sanctioned by CMS. As you know, one of the prerequisites for being a HCBS covered service is that the service is not already included in the package of Medicaid state plan services. Since EPSDT is a state plan service any service included within it is also a state plan service and cannot be a HCBS service. Obviously, shifting intensive services from the CLTS waiver to EPSDT has potentially significant consequences for Wisconsin. Two of the most significant are that there can be no waiting list for these services and children with autism who are Medicaid and BadgerCare eligible do not have to meet an institutional level of care or receive a disability determination to be eligible for services as is currently required for waiver eligibility.

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<sup>1</sup> The states we know cover intensive autism services under EPSDT include Florida, Louisiana, Massachusetts, Minnesota, Ohio, Pennsylvania, Vermont, Virginia and Washington.

Given the guidance from CMS we have three questions:

1. How will DHS provide access to autism treatment services for children currently eligible for Medicaid, but not receiving services through the Children's waivers? Our current funding structure using waivers does not provide access to autism treatment services for all Medicaid eligible children as the EPSDT option would. Children currently without access to treatment include:
  - Children with autism waiting for waiver funding to become available, who do not have access to private insurance and therefore who cannot benefit from coverage using the "autism insurance mandate";
  - Children with an autism diagnosis who have BadgerCare coverage, but who do not meet the institutional level of care or have a disability determination required for waiver and Katie Beckett eligibility;
  - Children with autism who are Medicaid eligible, over the age of 8 who could benefit from treatment services.
2. How will DHS proceed with funding treatment and ongoing services for children with autism who are currently served in the children's waivers? The memo indicates that treatment services must be funded by either 1915, c, or i, but not all of these. If we are to serve children who are not waiver eligible, but are Medicaid eligible, can we also provide the same service in the CLTS waivers?
3. Since a large number of children are served in the current program and significant funding is dedicated to treatment services, what are the implications for families and counties of a change from waiver to EPSDT on the administration and funding (ex. post-intensive services) of the CLTS waivers for children with and without autism?

No matter what happens with the provision of treatment services we want to make sure children and families are not harmed by any proposed change. Survival is interested in how DHS interprets this policy and potential changes to services for children with autism. We request a meeting with you by the end of October.

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*Survival Coalition Issue Teams: education, employment, housing, long term care for Adults, long term care for children, mental health, transportation, workforce, voting, Medicaid and health care.*

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