

Response to Arden Letter by Wraparound Services Component

Wraparound Component	CMS Concerns	Responses	11
Wraparound services generally	Insufficient information	Necessary information regarding covered services is typically contained in State Plan Amendment documents, which California has not yet submitted to CMS for its review and approval.	18
Engagement of Child and Family	Component not listed in § 1905(a)	<p>Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a).</p> <p>CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).</p>	19
	Component benefits family members	<p>Medicaid covers services provided to non-covered family members that are for the benefit of the covered child, such as family psychoeducation.</p> <p>CMS policy documents have repeatedly made clear that family psychoeducational services, like the ones in this component, are covered by Medicaid.</p>	21
Immediate Crisis Stabilization	Insufficient information	Necessary information regarding covered services is typically contained in State Plan Amendment documents, which California has not yet submitted to CMS for its review and approval.	18
	Component not listed in § 1905(a)	<p>Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a).</p> <p>CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).</p>	19

	Component includes activities related to issues of safety and unsafe living environment that are the responsibility of the foster care system	Component's reference to safety and unsafe living environment concerns safety issues that might arise or be caused by a child's behavioral health condition, which is clearly a responsibility of the behavioral health and not the foster care system.	21(b)(i)
	Component includes activities related to medical, including mental health, needs	Stabilizing individuals from crisis situations caused by their behavioral health and/or medical needs and planning how to avoid them in the future are exactly the types of crisis activities that is covered by Medicaid, as discussed in numerous CMS policy documents.	22(b)(i)
Strengths and Needs Assessment	Component not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a). CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	19
	Not an independently coverable service but instead a component of another service	This is a billing issue, not a coverage issue. To be covered, the activities described in the service must fall under one of the general service categories listed in § 1905(a). Agree this component could be billed as a component of another service.	20
Wraparound Team Formation	Component not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a). CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	19
	Not an independently coverable service but instead a component of another service	This is a billing issue, not a coverage issue. To be covered, the activities described in the service must fall under one of the general service categories listed in § 1905(a). Agree this component could be billed as a component of another service.	19

Wraparound Service Plan Development	Component not listed in § 1905(a)	<p>Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a).</p> <p>CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).</p>	19
	Component contains activities that are the responsibility of the foster care/child welfare systems, coverage of which is prohibited by the Deficit Reduction Act (DRA)	<p>Component is, in essence, the development of a specific care plan/care planning related to the child's behavioral health condition, which is listed in the DRA and prior CMS policy as a covered case management activity.</p> <p>Also can be covered as a rehabilitative service.</p> <p>Wraparound plan focuses on and is driven by the child's behavioral health needs, which is the responsibility of the behavioral health system for both children in and outside of the foster care/child welfare systems.</p> <p>Wraparound services are provided to children both in and outside of foster care/child welfare systems; plan development activities the same for both groups.</p> <p>For children in foster care, foster care system remains responsible for payment of any tasks that are the responsibility of that system.</p>	22(a)(i)
Wraparound Service Plan Implementation	Insufficient information	Necessary information regarding covered services is typically contained in State Plan Amendment documents, which California has not yet submitted to CMS for its review and approval.	18
	Service not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a).	19

		CMS policy documents describe covered services as ones that fall under the general categories of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	
Ongoing Crisis and Safety Planning	Component not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a). CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	19
	Component includes activities related to issues of unsafe living environment and safety that are the responsibility of the foster care system	Component's reference to safety and unsafe living environment concerns safety issues that might arise or be caused by a child's behavioral health condition, which is clearly a responsibility of the behavioral health and not the foster care system.	22(b)(i)
	Component includes activities related to medical, including mental health, needs	Stabilizing individuals from crisis situations caused by their behavioral health and/or medical needs and planning how to avoid them in the future are exactly the types of crisis activities that are regularly covered by other states with CMS approval.	22(b)(i)
Tracking and Adapting the Wraparound Service Plan	Insufficient information	Necessary information regarding covered services is contained in State Plan Amendment documents, which California has not yet submitted to CMS for its review and approval.	18
	Component not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a). CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	19

	Not an independently coverable service but instead a component of another service	This is a billing issue, not a coverage issue. To be covered, the activities described in the service must fall under one of the general service categories listed in § 1905(a). Agree this component could be billed as a component of another service.	20
Transition	Component not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a). CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	19
	Component benefits family members	Medicaid covers services provided to non-covered family members that are for the benefit of the covered child, such as family psychoeducation. CMS policy documents have repeatedly made clear that family psychoeducational services, like the ones in this component, are covered by Medicaid.	21
	Component not confined to rehabilitative activities	Recent CMS guidance sets out the extremely broad range of activities/services that can be covered as rehabilitative services. The activities described in this component fall within CMS's definition.	23(b)

Response to Arden Letter by Therapeutic Foster Care Component

TFC Component	CMS Concerns	Responses	1
TFC Generally	Insufficient information	Necessary information regarding covered services is typically contained in State Plan Amendment documents, which California has not yet submitted to CMS for its review and approval.	18
	Component not listed in § 1905(a)	<p>Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a).</p> <p>CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).</p>	19
Recruitment and Matching	Component activities are the responsibility of the foster care system	<p>TFC is a behavioral health intervention for children both in and outside the foster care system.</p> <p>No foster care system responsibilities for children outside that system; for children in foster care, behavioral health system must coordinate during the TFC recruitment and matching process, which is a covered case management activity.</p> <p>Two different types of recruiting. First, recruiting therapeutic foster parents who can provide behavioral health interventions for a specific child for whom TFC is medically necessary; can be covered as a case management service.</p> <p>Second, general recruiting therapeutic foster parents, who are later matched with a specific child.</p> <p>Typically this type of recruiting is not independently billed but instead is built into the reimbursement rate as an administrative expense for the agency providing TFC.</p> <p>Matching a child for whom TFC is medically necessary to appropriate TFC parents is a covered case management activity, regardless of how the TFC parents are recruited. Matching can also be covered as a rehabilitative service.</p>	22(b)(ii)

Therapeutic foster parent training	Component activities are the responsibility of the foster care system	<p>Two types of training. First, training given to TFC parent regarding their specific TFC child's behavioral health condition and how to manage it; this is a covered family psychoeducation service.</p> <p>Second, general training given to therapeutic foster parents on caring for children with complex behavioral needs prior to their being matched with a specific child.</p> <p>Typically this is not billed separately but instead is built into the reimbursement rate as an administrative expense for the agency providing TFC.</p>	22(b)(iii)
Development of a Treatment Plan	Component contains activities that are the responsibility of the foster care/child welfare systems, coverage of which is prohibited by the DRA	<p>Component is, in essence, the development of a specific care plan/care planning related to the child's behavioral health condition, which is listed in the DRA and prior CMS policy as a covered case management activity.</p> <p>Treatment plan focuses on and is driven by the child's behavioral health needs, which is the responsibility of the behavioral health system for both children in and outside of the foster care/child welfare systems.</p> <p>TFC provided to children both in and outside of foster care/child welfare systems; plan development activities the same for both groups.</p> <p>For children in foster care, foster care system remains responsible for payment for any tasks that are the responsibility of that system.</p>	22(a)(i)
Tracking & Adapting the Treatment Plan	Component activities are the responsibility of the foster care system, coverage of which is prohibited by the DRA	<p>Component is, in essence, development of a specific care plan/care planning related to the child's behavioral health condition, which is listed in the DRA and CMS policy as a covered case management activity (& also rehab. service)</p> <p>Treatment plan focuses on and is driven by the child's behavioral health needs, which is the responsibility of the behavioral health system for both children in and outside of the foster care/child welfare systems.</p> <p>TFC provided to children both in and outside of foster care/child welfare systems; activities related to tracking and adapting the plan are the same for both groups.</p> <p>For children in foster care/child welfare, those systems remain responsible for payment for any tasks that are their responsibility.</p>	22(a)(ii)

Plan Implementation - Individual Child	TFC providers must have the same qualifications as those who serve children not in foster care.	Agree, and nothing in Appendix B to suggest otherwise. Provider qualifications typically addressed in State Plan Amendment documents, which California has not yet submitted to CMS. Therapeutic foster parents typically become qualified providers through associating with Medicaid provider agency and receiving training and supervision from the agency.	23(a)
Plan Implementation - Family	Component benefits family members	<p>Medicaid covers services provided to non-covered family members that are for the benefit of the covered child, such as family psychoeducation.</p> <p>CMS policy documents have repeatedly made clear that family psychoeducational services, like the ones in this component, are covered by Medicaid.</p>	21
Transition	Component activities are the responsibility of the foster care system, coverage of which is prohibited by the DRA	<p>TFC transition addresses the services a child needs to transition out of TFC, and is based on behavioral health needs. It is a behavioral health service involving activities to coordinate services and ensure continuity of care.</p> <p>Both children in and outside of foster care system receive TFC and transition activities are the same for both.</p> <p>If TFC client not in foster care, there are no transition responsibilities for that system.</p> <p>For children in foster care/child welfare, mental health system must coordinate services with those systems to ensure continuity of care, which is a covered case management activity.</p> <p>States commonly use Medicaid case management services whenever a child receiving behavioral health services makes a transition, be it from one setting to another, from the child's to adult system, or even from one provider to another.</p>	22(a)(iii)

Response to Duckett Declaration

Service	Duckett Concerns	Responses	¶
Wraparound services generally	Not clearly defined	Necessary information regarding covered services typically are contained in State Plan Amendment documents, which California has not yet submitted to CMS for its review and approval.	18
	Service not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a). CMS policy documents describe covered services as ones that fall under "broad Medicaid categories" of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	19
TFC Generally	Not clearly defined	Necessary information regarding covered services is contained in State Plan Amendment documents, which California has not yet submitted to CMS for its review.	18
	Service not listed in § 1905(a)	Services need not be specifically listed in § 1905(a) to be covered; covered services need only fall within one of the general service categories listed in § 1905(a). CMS policy documents describe covered services as ones that fall under the general categories of services listed in § 1905(a) and provide examples of covered services not specifically listed in § 1905(a).	19
"Case management"	Cannot not duplicate foster care services	Case management activities included in the components are related to managing the child's behavioral health condition, which is a responsibility of the behavioral health system and not the foster care system. Since these activities do not duplicate foster care services, they are allowable under the DRA and prior CMS policy.	22