

**DEPARTMENT OF HEALTH CARE SERVICES
NOTICE OF GENERAL PUBLIC INTEREST
RELEASE DATE: MARCH 13, 2023**

THE DEPARTMENT OF HEALTH CARE SERVICES PROPOSES TO SUBMIT A STATE PLAN AMENDMENT TO EXPAND THE DEFINITION OF A HEALTH CARE “VISIT” AND ALLOW ASSOCIATE CLINICAL SOCIAL WORKER AND ASSOCIATE MARRIAGE FAMILY THERAPIST SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS, RURAL HEALTH CLINICS, AND TRIBAL HEALTH PROGRAMS (638)

This notice provides information of public interest that the Department of Health Care Services (DHCS) proposes to submit State Plan Amendment (SPA) 22-0014 to the federal Centers for Medicare and Medicaid Services (CMS) to seek federal approval to permanently continue telehealth services, delivered via synchronous (audio-visual) interaction, synchronous (audio-only) interaction, and asynchronous (store and forward), in the definition of a “visit” and allow services delivered by Associate Clinical Social Worker (ASW) or Associate Marriage Family Therapist (AMFT) when billed under the license of a behavioral health practitioner at Federally Qualified Health Centers (FQHCs), Rural Health Clinics (RHCs), Indian Health Services Memorandum of Agreement and Tribal FQHCs (Tribal Health Programs (THPs)) that were initiated during the COVID-19 Public Health Emergency. The effective date for SPA 22-0014 will be March 14, 2023.

These services would be available under both the fee-for-service (FFS) and managed care delivery system.

On March 1, 2020, DHCS issued Disaster Relief (DR) State Plan Amendment, DR SPA 20-0024, which made temporary changes to the State Plan for the duration of the Public Health Emergency. Effective March 14, 2023, DHCS seeks to rescind these changes as temporary, as noted in SPA 22-0014-A, and make these policies permanent in SPA 22-0014.

May it be known that the following changes will be included in SPA 22-0014 and identified as SPA 22-0014-A:

Effective March 14, 2023, the DHCS rescinds the following elections of section 7.4 of the State Plan (approved on 5/12/2020 in SPA 20-0024):

- At Page 90j, Section E.3.c, Payment for Services Delivered via Telehealth, paragraph 1: FQHC/RHC/Tribal 638 Clinic Telehealth/ Telephonic visit: Modify the face-to-face requirement for telehealth/telephonic visits.
- At Page 90l, Section E.4, Other payment changes, paragraph 3: Add ASW and AMFT as billable provider types.

Effective March 14, 2023, DHCS makes the following changes to the State Plan:

- Amend 4.19-B to modify the face-to-face requirement to include Telehealth modalities.
- Amend/Add Limitation on Attachments 3.1-A/3.1-B, 3.d.1 to add ASWs and AMFTs services when billed under the licensed of a behavioral health practitioner.

DHCS estimates that the annual aggregate Medi-Cal expenditures for services will be budget neutral as this is not an addition of new services, but rather methods to service delivery otherwise provided.

SPA 22-0014 is subject to approval by CMS.

PUBLIC REVIEW AND COMMENTS

Upon submission to CMS, a copy of the proposed 22-0014 will be published at the following internet address:

<https://www.dhcs.ca.gov/formsandpubs/laws/Pages/Pending-2022.aspx>

If you would like a physical copy of the SPA once it becomes available, please visit your local county welfare department. You may also request a copy of proposed 22-0014 by requesting it in writing to the mailing or email addresses listed below. Please indicate SPA 22-0014 in the subject line or message.

Written comments may be sent to the following address:

Department of Health Care Services
Benefits Division
Clinical Policy and Special Program Branch
P.O. Box 997413, MS 4601
Sacramento, California 95899-7417

Comments may also be emailed to PublicInput@dhcs.ca.gov. Please indicate SPA 22-0014 in the subject line or message.

A copy of submitted public comments to 22-0014 may be requested in writing to the mailing or email addresses identified above.