Limitations on Services Provided

1. Inpatient Hospital Services

A. Private Hospitals

1. Those items and services furnished are defined as those included as covered under Inpatient Hospital Services in 42 CFR 440.10. Inappropriate level of care services are not covered.

2. Services provided in connection with dental or oral surgery services will be limited to those required for emergency repair of accidental injury to the jaw/or related structures.

3. Services provided in connection with surgical procedures for cosmetic purposes (except for emergency repair of accidental injury) will be included only by prior authorization issued by the State Agency.

4. Organ transplant services require prior authorization, and are limited to the guidelines set forth in the District of Columbia Standards for the Coverage of Organ Transplant Services under the D.C. Medicaid Program.

5. Reimbursement for covered hospital days is limited to one day prior to surgery, unless medically justified. Hospital claims with an admission date more than one day prior to the first surgical date will pend for review by medical staff to determine appropriate medical justification. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement for additional post-operative days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

6. Reimbursement will not be provided for weekend (Friday/Saturday) admissions, unless medically justified. Reviewed hospital claims with admission dates on Friday

or Saturday will be pended for review of these days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admission will be denied.

B. Public Hospitals

1. Those items and services furnished are those included as covered under Inpatient Hospital services in 42 CFR 440.10 by a hospital providing such services that is owned and operated by the District of Columbia. Unless specifically stated within the State Plan, public hospitals should refer to the Health Insurance Manual 10.

2. The program may exempt portions or all of the utilization review requirements of subsections (b), (c), (h) and (i) as it relates to recipients under age twenty-one (21). In accordance with the requirements of 42 CFR 441.200, Subparts E and F, claims for hospitalization in which sterilization, hysterectomy or abortion procedures were performed shall be subject to medical documentation requirements.

3. Services provided in connection with dental or oral surgery services will be limited to those required for emergency repair of accidental injury to the jaw or related structures.

4. Services provided in connection with surgical procedures for cosmetic purposes (except for emergency repair of accidental injury) will be included only by prior authorization issued by the State Agency.

5. Organ transplant services require prior authorization, and are limited to the guidelines set forth in the District of Columbia Standards for the Coverage of Organ Transplant Services under the D.C. Medicaid Program.

6. Reimbursement for covered hospital days is limited to one day prior to surgery, unless medically justified. Hospital claims with an admission date more than one day prior to the surgical date will pend for review by medical staff to determine appropriate medical justification. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement for additional post-operative days.

Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

7. Reimbursement will not be provided for weekend (Friday/Saturday) admissions, unless medically justified. Reviewed hospital claims with admission dates on Friday or Saturday will be pended for review of these days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

2. Outpatient Hospital Services

A. Surgical procedures for cosmetic purposes (except for emergency repair of accidental injury) will be provided only by prior authorization issued by the State Agency.

B. Dental or oral surgery services will be limited to the emergency repair. Emergency repair is defined as an accident which caused injury to the jaw and related structures.

C. Surgical procedures meeting the standards specified in 42 CFR 416.65(a) and (b), and included in the list published in accordance with 42 CFR 416.65(c) shall be reimbursed only if provided in facilities meeting the requirements of 42 CFR 416, Subpart C.

Surgical procedures meeting the standards specified in 42 CFR 416.65(a) and (b), and included in the list published in accordance with 42 CFR 416.65(c) shall not be reimbursed on an inpatient basis.

Surgical procedures meeting the standards as specified in the 42 CFR, 416.65(a) and (b) and included in the list published in accordance with the 42 CFR, 416.65(c) shall not be reimbursed unless certified by the District of Columbia's Certification Program.

3. Other Laboratory and X-ray Services

A. X-ray, radium and radioactive isotope therapy will be provided only in facilities approved for such therapy by the State Agency.

B. Services primarily for, or in connection with, cosmetic purposes will be provided only with prior approval by the State Agency.

C. Services primarily for, or in connection with, dental or oral surgery services will be limited to those required incidental to the emergency repair or accidental injury to the jaw and related structure.

D. The independent laboratory services are limited to those laboratory procedures and tests within the specialties and subspecialties for which the independent lab is certified as a provider for laboratory services under Title XVIII of the Social Security Act.

4. **Early and Periodic Screening, Diagnosis and Treatment (EPSDT)** services performed for individuals under twenty-two (22) years of age are provided without limitation. Services provided in school settings are described below.

A. **School-Based Health (SBH)** services are necessary to correct or ameliorate defects of physical or mental illnesses or conditions; recommended by qualified health care professionals; and listed in a recipient's Individualized Education Program (IEP) or Individual Family Service Plan (IFSP). SBH services include the initial evaluation for disability in accordance with 20 U.S.C. § 1414.

Eligibility. Children with disabilities are eligible to receive SBH services. Services shall be indicated on the IEP/IFSP and described as to their amount, scope, and duration.

Providers. Providers of SBH services shall be duly licensed professionals employed by or under contract with District of Columbia Public Schools (DCPS) Office of the State Superintendent of Education (OSSE), the District of Columbia Public Charter Schools, and/or non-public schools. D.C. Code § 3-1205.01.

Services. SBH services are subject to utilization control as provided in 42 C.F.R. §§ 456.1 - 456.23. Covered services include:

Audiology Services. Special education related services and screenings necessary for identifying and treating a child with hearing loss. 34 C.F.R. § 300.34(c)(1). Providers shall meet the qualification requirements of 42 C.F.R. § 440.110; D.C. Mun. Regs. tit. 5, § 1663; and any amendments thereto.

Behavioral Supports (Counseling Services). Screenings and services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel in accordance with 42 C.F.R. § 440.60(a); D.C. Mun. Regs. tit. 5, §§ 1657, 1659-1660; and any amendments thereto.

Nutrition Services. Services and screenings relative to a medical condition shall be provided by a qualified dietician under applicable District of Columbia laws. Provider qualifications shall meet the requirements of 42 C.F.R. § 440.60(a) and any amendments thereto.

School-Based Health (SBH) (Continued)

Occupational Therapy. Services include special education related services and screenings intended to improve and prevent initial or further loss of function and are provided by qualified occupational therapists or occupational therapy aides under the supervision of qualified occupational therapists. 34 C.F.R. § 300.34(c) (6); D.C. Code §§ 3-1205.04(g) Provider qualifications shall meet the requirements of 42 C.F.R. § 440.110 and any amendments thereto.

Orientation and Mobility. Services and screenings that enable blind or visually impaired children to gain systematic orientation to and safe movement within their school environment. Providers must be certified as Orientation and Mobility Specialists and qualified under 42 C.F.R. § 440.130(d) and any amendments thereto.

Personal Care. Services and screenings provided in accordance with 42 C.F.R. § 440.167. These services may be provided by a Personal Care Aide under the supervision of a Registered Nurse as provided in D.C. Mun. Regs, tit. 29, § 4221 and any amendments thereto.

Physical Therapy. Special education related services and screenings provided by a qualified physical therapist or by a physical therapy assistant under the supervision of a qualified physical therapist in accordance with 34 C.F.R. § 300.34(c) (9); D.C. Code §§ 3-1205.04(j). Provider qualifications shall meet the requirements of 42 C.F.R. § 440.110 and any amendments thereto.

Psychological Evaluation. Services and screenings provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel in accordance with 42 C.F.R. § 440.60(a); D.C. Mun. Regs. tit. 5, §§ 1657, 1659-1660; and any amendments thereto.

Skilled Nursing. Services and screenings rendered by practitioners as defined in 42 C.F.R. § 440.60 and any amendments thereto. These services include the administration of physician ordered medications or treatments to qualified children who require such action during the school day in accordance with the IEP/IFSP.

School-Based Health (SBH) (Continued)

Specialized Transportation. Transportation services that require a specially equipped vehicle, or the use of specialized equipment to ensure a recipient is taken to and from the recipient's residence for school-based health services. Authorized transportation services will only be claimed when a beneficiary has a specific school-based health service on the date the transportation service is provided. Transportation services are described in Attachment 3.1-D of the D.C. State Plan for Medical Assistance.

Speech-Language Pathology. Services and screenings provided to eligible children by a qualified speech pathologist in accordance with 34 C.F.R. § 300.34(c)(15). Providers shall meet the qualification requirements of 42 C.F.R. § 440.110; D.C. Mun. Regs. tit. 5, § 1658; and any amendments thereto.

B. **Family Planning Services and Supplies** for individuals of childbearing age are provided with no limitations.

5. **Physicians' Services Whether Furnished in the Office, the Patient's Home, a Hospital, a Skilled Nursing Facility or Elsewhere**

A. Elective procedures requiring general anesthesia will be provided only when performed in a facility accredited for such procedures.

B. Surgical procedures for cosmetic purpose (except for emergency repair of accidental injury) will be provided only by prior authorization issued by the State Agency.

C. Medicaid payment is prohibited for services connected with providing methadone treatment to patients addicted to narcotics unless such treatment is rendered by providers specifically authorized to do so by the Addiction Prevention and Recovery Administration in the Department of Health.

D. Gastric bypass surgery requires written justification and prior authorization.

E. Assistant surgeon services require prior authorization by the State Agency the State Agency.

F. Reimbursement for inpatient consultations or inpatient hospital visits by a physician to a patient whose level of care has been reclassified by the Peer Review Organization from acute to a lower level are not covered. Only those visits determined medically necessary will be reimbursed.

G. Sterilizations are not covered if the patient is under age twenty-one (21).

H. Organ transplantation requires prior authorization in accordance with the District of Columbia Standards for the Coverage of Organ Transplant Services as indicated in Attachment 3.1E of this state plan.

I. Certain surgical procedures (examples: reduction mammoplasty, intestinal bypass for morbid obesity, and insertion of penile prosthesis) require prior authorization.

J. Reimbursement for induced abortions is provided only in cases where the woman suffers from a physical disorder, injury or illness, including a life-endangering physical condition, caused or arising from the pregnancy itself that would place the woman in danger of death unless an abortion is performed, or the pregnancy occurred as a result of rape or incest.

Reimbursement shall be made according to the fee schedule amount and shall cover all services related to the procedure including physician fee(s), laboratory fee(s) and counseling fee(s).

6. Medical Care and any other type of Remedial Care Recognized Under State Law, Furnished by Licensed Practitioners Within The Scope of Their Practice as Defined by State Law

A. Podiatrists' Services

The limitations on routine foot care are the same as the limitations under Medicare and delineated in the Medicare Carriers Manual (HIM-14) and the Medicare Intermediary Manual (HIM-13). Special treatment should be prior authorized by the State Agency.

B. Optometrists' Services

Limited to specific services except where prior authorization is made by the State Agency. Services are further limited as follows:

1. Contact lenses must be prior authorized by the State Agency.

2. Eyeglasses are limited to one complete pair in a twenty-four (24) month period. Exceptions to this policy are:

a. Recipients under twenty-one (21) years of age;

b. Whenever there is a change in the prescription of more than plus or minus .5 (one half) diopter; and

c. Broken or lost eyeglasses.

3. Special glasses such as sunglasses and tints must be prior authorized by the State Agency and justified in writing by the optometrist. Special tints and sunglasses are not allowed in addition to untinted eyewear.

In addition, the optometrist must adhere to the dispensing procedures in the providers Medical Assistance Manual.

7. Home Health Services

A. A "Home Health Agency" is defined as a public or private agency or organization which meets the requirements of Medicare.

B. Services of a home health aide must not exceed four (4) hours per visit per day, unless prior authorization is given by the State Agency.

C. Medical Supplies, Equipment, and Appliances for use of the patients in their own homes are limited to those items on the Durable Medical Equipment/Medical Supplies Procedures Codes and Price list, except where prior authorization is given by the State Agency.

D. Physical therapy, occupational therapy, or speech pathology and audiology services provided in the home must be provided by a home health agency, or by a facility licensed by the State to provide medical rehabilitation services.

1. Physical therapy is provided as long as it is a part of a plan of treatment and provided in a hospital, skilled care facility, intermediate care facility or through a home health agency.

2. Occupational therapy is provided as long as it is a part of a plan of treatment and provided in a hospital, skilled care facility, intermediate care facility or through a home health agency.

3. Services for individuals with speech, hearing and language disorders are limited to eligible EPSDT recipients.

E. Services provided by a Home Health Agencies which are covered under the State Plan and authorized in the patient treatment plan may not exceed in total 36 visits per year per recipient, unless prior authorization is given by the State Agency.

The 36 visit limitation includes services performed by all disciplines included in the Medicare certification of a home health agency which are certified by a physician as medically necessary in the patient's treatment plan.

8. Private Duty Nursing Services

All requests for private duty nursing must be prior authorized by the State Agency. Private duty nursing is available only for recipients who require more individual and continuous care than is routinely provided by a Visiting Nurse Association or routinely provided by a skilled nursing facility or hospital.

9. Clinic Services

A. Surgical procedures for medically necessary cosmetic purposes (except for emergency repair of accidental injury) will be provided only by prior authorization issued by the State Agency.

B. Dental or oral surgery will be limited to the emergency repair of accidental injury to the jaw and related structures.

C. Clinic services include day treatment services. These services:

1. are designed to serve all Medicaid beneficiaries;

2. are provided by or are under the supervision of a physician;

3. include nutrition services; individual and group counseling; mental health counseling; physical therapy; occupational therapy; speech therapy; and activities of daily living (i.e., personal care, self-awareness, and level of function); and

4. are provided within the four walls of the clinic facility.

Reimbursement shall be made according to the fee schedule amount and shall cover all services related to the procedure including physician fee(s), laboratory fee(s) and counseling fee(s).

10. Dental services.

All dental services must be provided consistent with scope of practice authorized pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202 *et seq.*) or consistent with the applicable professional practices within the jurisdiction where services are provided.

A. Dental services for individuals under the age of 21 are covered under EPSDT services. The service descriptions and reimbursement rates are set forth in a fee schedule published in the District of Columbia Municipal Regulations.

B. Dental services are covered for individuals residing in intermediate care facilitates for persons with mental retardation (ICF/MR). The service descriptions and reimbursement rates are set forth in a fee schedule published in the District of Columbia Municipal Regulations.

C. Dental services for individuals age 21 and over who are not enrolled in the Waiver or residing in an ICFMR are limited to the services set forth below:

1. General dental examinations and routine maintenance cleaning with oral hygiene instruction limited to once every six (6) months.

2. Surgical services and extractions.

3. Emergency care.

4. Fillings.

5. Reline or rebase of a removable denture is limited to two (2) in five (5) years unless there is prior authorization.

6. Complete radiographic survey, full series of X-rays, or panoramic X-ray of the mouth is limited to once every three years. Additional complete radiographic survey, full series of X-rays, or panoramic X-ray of the mouth requires prior authorization.

7. Full mouth debridment.

8. Prophylaxis limited to two times (2) per patient per year.

9. Bitewing series.

10. Palliative treatment.

11. Sealant application.

12. Removable partial and full dentures.

13. Root canal treatment limited to two molars per year.

14. Periodontal scaling and root planing, if:

    a. evidence of bone loss is present on current radiographs to support the diagnosis of periodontis;

    b. there is a current periodontal charting with six point mobility noted, including the presence of pathology and periodontal prognosis;

    c. the pocket depths are greater than four millimeters; and

    d. classification of the periodontology case type is in accordance with documentation established by the American Academy of Periodontology.

15. Removal of impacted teeth.

16. Initial placement or replacement of a removable prosthesis (any dental device or appliance replacing one or more missing teeth, including associated structures, if required, that is designed to be removed and reinserted), once every five (5) years per recipient, unless the prosthesis:

    a. was misplaced, stolen, or damaged due to circumstances beyond the recipient's control;

    b. cannot be modified or altered to meet the recipient's dental needs.

17. A removable partial prosthesis is covered if:

    a. the crown to root ratio is better than 1:1;

    b. the surrounding abutment teeth and the remaining teeth do not have extensive tooth decay; and

    c. the abutment teeth do not have large restorations or stainless steel crowns.

18. Any dental service that requires inpatient hospitalization must be prior authorized by the State Agency.

19. Elective surgical procedures requiring general anesthesia must be prior authorized by the State Agency.

D. The following dental services for individuals age 21 and over who are not living in an institution are not eligible for payment:

1. Local anesthetic that is used in conjunction with a surgical procedure and billed as a separate procedure.

2. Hygiene aids, including toothbrushes.

3. Medication dispensed by a dentist that a recipient is able to obtain from a pharmacy.

4. Acid etch for a restoration that is billed as a separate procedure.

5. Prosthesis cleaning.

6. Removable unilateral partial denture that is a one-piece cast metal including clasps and teeth.

7. Replacement of a denture when reline or rebase would correct the problem.

8. Duplicative x-rays.

9. Space maintainers.

10. Fixed prosthodontics (bridge), unless it is cost-effective for a recipient who cannot use a removable prosthesis and prior authorization is required.

11. Gold restoration, inlay or onlay, including cast nonprecious and semiprecious metals.

12. Dental services for cosmetic or aesthetic purposes.

11. Physical Therapy and Related Services Physical therapy and related services shall be defined as physical therapy, occupational therapy and speech-language pathology services. These services shall be prescribed by a physician and be part of a written plan of care. All practitioners of these services shall be required to meet District and federal licensing and/or certification requirements.

A. Physical therapy is provided only as an element of hospital inpatient or outpatient care, nursing facility care provided in an intermediate care facility, services provided to children by the District's school system by qualified therapists, or through a home health agency by qualified therapists.

Only physical therapy services meeting all the following requirements shall be reimbursed by the program:

1. Physical therapy services shall be directly and specifically related to a plan of care written by a physician after consultation with a licensed physical therapist;

2. The condition of the patient shall be such, or the services shall be of a level of complexity and sophistication that the services can be performed only by a licensed physical therapist or a physical therapy assistant or aide under the supervision of a licensed therapist. Services provided by a physical therapy assistant or aide shall be limited to those allowed under District legislation and shall be provided under the supervision of a licensed therapist who makes an on-site supervisory visit at least once each week. This visit shall not be reimbursable; and

3. The services shall be of reasonable amount, duration and frequency and shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice.

B. Occupational therapy is provided only as an element of hospital inpatient or outpatient care, nursing facility care provided in an intermediate care facility, services provided to children by the District's school system by qualified therapists, or through a home health agency by qualified therapists.

Only occupational therapy services meeting all the following requirements shall be reimbursed by the program:

1. Occupational therapy services shall be directly and specifically related to a plan of care written by a physician after consultation with an occupational therapist licensed by the District and registered and certified by the American Occupational Therapy Certification Board;

2. The condition of the patient shall be such, or the services shall be of a level of complexity and sophistication that the services can be performed only by a licensed occupational therapist or a licensed occupational therapy assistant under the supervision of a licensed therapist. Services provided by a licensed occupational therapy assistant shall be provided under the supervision of a licensed therapist who makes an on-site supervisory visit at least once every two weeks. This visit shall not be reimbursable; and

3. The services shall be of a reasonable amount, duration and frequency and shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice.

C. Services for individuals with speech, hearing and language disorders are services provided by a speech pathologist or audiologist provided as an element of services provided to children by the District's school system by qualified therapists and to eligible EPSDT recipients only.

Only therapy for speech, hearing and language services meeting all the following requirements shall be reimbursed by the program:

1. The services shall be directly and specifically related to a plan of care written by a physician after any needed consultation with a speech-language pathologist meeting the requirements of 42 CFR 440.110(c);

2. The condition of the patient shall be such, or the services shall be of a level of complexity and sophistication such that the services can be performed only by a speech-language pathologist who meets the qualifications in number 1. The program shall meet the requirements of 42 CFR 405.1719(c). At least one speech-language pathologist must be present at the time speech-language pathology services are being provided; and

3. The services shall be of reasonable amount, duration and frequency and shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice.

D. Documentation Requirements

Documentation of physical and occupational therapy and speech-language pathology services provided by a hospital-based outpatient setting, home health agency, the District's school system or a rehabilitation agency shall, at a minimum:

1. describe the clinical signs and symptoms of the patient's condition;

2. include a complete and accurate description of the patient's clinical course and treatments;

3. document that a plan of care based specifically on a comprehensive assessment of the patient's needs has been developed for the patient;

4. include a copy of the plan of care and the physician orders;

5. include all treatment rendered to the patient in accordance with the plan of care, providing information on the frequency, duration, modality and response and identify who provided the care by full name and title;

6. describe changes in the patient's condition in response to the services provided through the rehabilitative plan of care;

7. except for schools, describe a discharge plan which includes the anticipated improvements in functional levels, the time frames necessary to meet these goals and the patient's discharge destination; and

8. for patients under the care of the schools, include an individualized education program (IEP) which describes the anticipated improvements in functional level in each school year and the time frames necessary to meet these goals.

E. Service limitations. The following general requirements shall apply to all reimbursable physical and occupational therapy and speech-language pathology services:

1. Patients must be under the care of a physician who is legally authorized to practice and who is acting under the scope of his/her license;

2. Services shall be furnished under a written plan of care that is established and periodically reviewed by a physician. The services or items for which reimbursement is sought must be necessary to carry out the plan of care and must be related to the patient's condition;

3. A physician recertification shall be required periodically; shall be signed and dated by the physician who reviews the plan of care; shall indicate the continuing need for the service and estimate how long services will be needed; and, must be available when the plan of care is reviewed by the Medicaid program;

4. The physician orders for therapy services shall include the specific procedures and modalities to be used, identify the specific discipline to carry out the plan of care and indicate the frequency and duration of services;

5. Utilization review shall be conducted by the Medicaid program or its agent to determine whether services are appropriately provided and to ensure that the services are medically necessary and appropriate. Services not specifically documented in the patient's medical record as having been rendered shall be deemed not to have been rendered and shall not be reimbursed; and

6. Physical therapy, occupational therapy and speech-language services are to be terminated regardless of the approved length of stay (or service) when further progress toward the established rehabilitation goal is unlikely or when services can be provided by someone other than the skilled rehabilitation professional.

12. Prescribed Drugs, Dentures and Prosthetic Devices and Eyeglass

A. Prescribed Drugs

1) Prescribed drugs are limited to legend drugs approved as safe and effective by the Federal Food and Drug Administration and those over-the-counter medications which fall into the following categories:

a. Oral Analgesics;
b. Ferrous sultate;
c. Antacids;
d. Diabetic preparations;
e. Family planning drugs and supplies;
f. Pediatric, prenatal and geriatric vitamin formulations; and
g. Senna extract, single dose preparations when required for diagnostic radiological procedures performed under the supervision of a physician.
h. Prescribed drugs for purposes of nursing homes pharmacy reimbursement shall **not** include over-the-counter medications, syringes for diabetic preparations, geriatric vitamin formulations and senna extract (except as described above in item g).

2) Effective January 1, 2006, the Medicaid agency will not cover any Part D drug for full-benefit dual eligible individuals who are entitled to receive Medicare benefits under Part A or Part B.

3) The Medicaid agency provides coverage to the same extent that it provides coverage for all Medicaid recipients for the following excluded or otherwise restricted drugs or classes of drugs to full benefit dual eligible beneficiaries under the Medicare Prescription Drug Benefit - Part D.

a. Select agents when used for weight gain:
Megesterol

b. Select prescription vitamins and mineral products, except prenatal vitamins and fluoride:
Folic Acid, Vitamin B12

c. Select non-prescription drugs:
Analgesics, Antacids, Diabetic Therapy, Bowel diagnostic preparation kits

d. All barbiturates

e. All benzodiazepines

4) The District of Columbia will provide reimbursement for covered outpatient drugs when prescribed by an enrolled licensed provider within the scope of their license and practice as allowed by District law and in accordance with Section 1927 of the Social Security Act. This will apply to drugs of any manufacturer that has entered into a rebate agreement with the Center for Medicare and Medicaid Services. All drugs covered by the National Drug Rebate Agreements remain available to Medicaid beneficiaries, although some may require prior

authorization. The District has established a preferred drug list with prior authorization for drugs not included on the preferred drug list. The Prior authorization process complies with the requirements of Section 1927 of the Social Security Act and provides for a 24-hour turnaround by either telephone or other telecommunications device from receipt of request and provides for a 72 hour supply of drugs in emergency circumstances. The preferred drug list meets the formulary requirements that are specified in Section 1927(d)(4) of the Act.

5) The drugs or classes of drugs listed in 42 USC 1396r-8(d)(2) are excluded from coverage unless specifically placed, either individually or by drug class, on the Medicaid Drug List or prior authorized based on FDA-approved indications or a medically accepted indication documented in official compendia or peer-reviewed medical literature. The following drugs are excluded from coverage through the Outpatient Pharmacy Program:

   a. A drug for which the FDA has issued a "less than effective (LTE) rating or a drug "identical, related, or similar" to an LTE drug;

   b. A drug that has reached the termination date established by the drug manufacturer;

   c. A drug for which the drug manufacturer has not entered into or has not complied with a rebate agreement in accordance with 42 USC 1396r-8(a) unless there has been a review and determination by the department that it shall be in the best interest of Medicaid recipients for the department to make payment for the non-rebated drug; and

6) Supplemental Rebate Program:
The District is in compliance with Section 1927 of the Social Security Act. The District has the following policies for the Supplemental Rebate Program for the Medicaid population.

   a. The "Supplemental Drug-Rebate Agreement" between the participating states, First Health Services Corporation and the participating manufacturers, has been submitted to CMS and has been authorized. CMS has authorized the District of Columbia to enter into the Michigan multi-state pooling agreement (MMSPA)

   b. CMS has authorized the District of Columbia to enter into the National Multistate Pooling Initiative. This Supplemental Drug Rebate Agreement was submitted to CMS on November 8, 2006 and has been authorized by CMS.

   c. Supplemental rebates received by the District in excess of those required under the national drug rebate agreement will be shared with the Federal Government on the same percentage basis as applied under the national drug rebate agreement.

   d. Manufacturers who do not participate in the supplemental rebate program will continue to have their drugs made available to Medicaid participants through either the preferred drug list or the prior authorization process

depending on the results of the Pharmacy and Therapeutics Committee recommendations and Departmental review.

e. As specified in Section 1927(b)(3)(D) of the Act, not withstanding any other provisions of law, rebate information disclosed by a manufacturer shall not be disclosed by the District for purposes other than rebate invoicing and verification.

7) All anorexic drugs (amphetamine and amphetamine-like) are eliminated as reimbursable pharmaceuticals except for diagnosed conditions of narcolepsy and minimal brain dysfunction in children.

8) Prior authorization (PA) is required for the dispensing of the following prescribed drugs:

a. All prescriptions for Oxycodone HCL and Aspirin (more commonly known as Percodan), and Flurazepam (more commonly known as Dalmane);

b. Anorexic drugs (amphetamine and amphetamine-like) may be dispensed with prior authorization for the diagnosed conditions of narcolepsy and minimal brain dysfunction in children; and

c. Any injectable drugs on an ambulatory basis.

9) Pharmacy Lock-In Program

a. The Department of Health Care Finance (DHCF), along with the District of Columbia Drug Utilization Review (DUR) Board, will implement a Pharmacy Lock-In Program to safeguard the appropriate use of medications when an individual enrolled in the District of Columbia Medicaid Fee-for-Service Program misuses drugs in excess of the customary dosage for the proper treatment of the given diagnosis, or misuses multiple drugs in a manner that can be medically harmful. Beneficiaries listed in section 9(k) are exempt from the Pharmacy Lock-In Program.

b. DHCF will use the drug utilization guidelines established by the District of Columbia Drug Utilization Review (DUR) Board in support of the restriction. DUR Board Guidelines require a monthly report from the Medicaid MMIS to determine when a beneficiary may be at risk of exceeding the customarily prescribed dosages or utilization. The report will identify beneficiaries who meet criteria, such as:

1. > 3 controlled substance prescriptions per month

2. >3 prescribers for controlled substances within the last 90 days

3. >10 prescriptions per month

4. 3 or more pharmacies used per month

c. DHCF shall notify the Medicaid beneficiary in writing of the following at least fifteen (15) days prior to the effective date of the restriction:

1. The Department proposes to designate him or her as a restricted Medicaid beneficiary;

2. The reason for the restriction; and

3. The beneficiary's right to a hearing if he or she disagrees with the designation.

d. The Medicaid beneficiary shall have fifteen (15) days from the date of the notice to file a request for a hearing with the Office of Administrative Hearings (OAH).

e. If the Medicaid recipient requests a hearing, no further action shall be taken on the restriction designation until the hearing is dismissed or a final decision has been rendered by OAH.

f. A restriction may be required for a reasonable amount of time, not to exceed twelve (12) months, without a review by the Drug Utilization Review Board. Subsequent restrictions will not be imposed until after the review has concluded.

g. The Department of Health Care Finance will ensure that when a lock-in has been imposed, the beneficiary will continue to have reasonable access to Medicaid services of adequate quality.

h. When a restriction is imposed upon a beneficiary, the beneficiary may choose the pharmacy of his or her choice, based upon a list of three (3) pharmacy providers identified by the Department of Health Care Finance.

i. When a beneficiary fails to request a hearing with OAH or fails to select a designated pharmacy after a decision has been rendered by OAH upholding the restriction within the specified time period, the Department of Health Care Finance, on behalf of that beneficiary, will designate a pharmacy for pharmacy services.

j. Restrictions will not apply in situations where emergency services are furnished to a beneficiary.

k. Beneficiaries in skilled nursing facilities, long term care facilities, and intermediate care facilities for the mentally retarded are not eligible for the Pharmacy Lock-In Program.

1. If a beneficiary, who is enrolled in the Medicaid Managed Care Organization (MCO) and is also required to participate in its Pharmacy Lock-In Program, subsequently becomes enrolled in the Medicaid Fee-For-Service Program, that beneficiary will be automatically enrolled in the Medicaid Fee-For-Service Pharmacy Lock-In Program. The lock-in will remain in force for a period not to exceed the length of the initial lock-in period first imposed by the MCO, or twelve (12) months, whichever is less.

(10) Medication Assisted Treatment (MAT) under Adult Substance Abuse Rehabilitative Services (described in Supplement 6 to Attachment 3.1-A)

a. MAT is the use of pharmacotherapies (e.g., methadone) as long-term treatment for opiate or other forms of dependence. MAT includes medication dosing used in conjunction with Substance Abuse Counseling.

b. Unit of Service: One unit consists of one (1) dose of medication per day.

c. Limitations: Prior approval from the Department of Health Addiction Prevention and Recovery Administration (APRA) or its designee is required prior to enrollment in MAT. The maximum number of MAT services available over a twelve (12) month period is three hundred sixty-five (365) units.

Beneficiaries receiving MAT will require two (2) prior authorizations from APRA or its designee before long-term maintenance can be authorized. A new patient shall have an initial authorization of up to ninety (90) units of daily medications. The provider must then request authorization for an additional ninety (90) units, if appropriate, after which the patient may receive authorization for long-term MAT up to one hundred eighty (180) units.

d. Location/Setting:
Substance abuse treatment facility or program certified by APRA or community-based setting otherwise approved or designated by APRA.

Buprenorphine Only: Private practice offices of individuals authorized to prescribe buprenorphine according to their licensure pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*).

e. Qualified Practitioners: Licensed practitioners, including: Qualified Physicians or APRNs and PAs who are supervised by qualified Physicians

B. Dentures

1. Dentures are limited to eligible EPSDT recipients.

2. Initial placement or replacement of a removable prosthesis (any dental device or appliance replacing one or more missing teeth, including associated structures, if required, that is designed to be removed and reinserted) once every five (5) years per recipient, unless the prosthesis:

   a. was misplaced, stolen, or damaged due to circumstances beyond the recipient's control;

   b. cannot be modified or altered to meet the recipient's dental needs.

3. Relines are limited to two (2) in five (5) years unless prior authorized.

C. Prosthetic Devices

1. Prosthetic devices are limited to items on the Durable Medical Equipment/ Medical Supplies Procedure Codes and Price List except where prior authorized by the State Agency.

2. Medical supplies and equipment in excess of specific limitations, i.e., cost, rental or lease equipment, or certain procedure codes must be prior authorized by the State Agency.

D. Eyeglasses

1. This item includes lenses required to aid or improve vision with frame when necessary that are prescribed by a physician skilled in diseases of the eye or by an optometrist at the discretion of the patient.

2. Eyeglasses are limited to one complete pair in a twenty-four (24) month period. Exceptions to this policy are:

   a. Recipients under twenty-one (21) years of age;

   b. Whenever there is a change in the prescription of more than plus or minus .5 (one half) diopter, and

   c. Broken or lost eyeglasses.

(3) Special glasses such as sunglasses and tints must be justified in writing by the ophthalmologist or optometrist. Special tints and sunglasses are not allowed in addition to untinted eyewear.

(4) Contact lenses must be prior authorized by the State Agency.

13. Other Diagnostic, Screening, Preventive and Rehabilitative Services, i.e., Other Than Those Provided Elsewhere in This Plan

a. Diagnostic services must be prior authorized.

b. Screening services are limited to eligible EPSDT recipients.

c. Preventive services must be prior authorized.

d. Rehabilitative services must be prior authorized and are covered for eligible Medicaid beneficiaries who are in need of mental health or substance abuse treatment, due to mental illness, serious emotional disturbance, or substance use disorder. Covered services include: 1) Mental Health Rehabilitation Services (MHRS); and 2) Adult Substance Abuse Rehabilitative Services (ASARS).

These services are described in Supplement 6 to Attachment 3.1-A.

c. d. Preventive services must be prior authorized.

14. Services for individuals age 65 or older in institutions for Mental Diseases.

a. Inpatient hospital services are limited to services certified as medically necessary by the Peer Review Organization.

b. Skilled nursing facility services are limited to services certified as medically necessary by the Peer Review Organization.

c. Intermediate care facility services are limited to services certified as medically necessary by the Peer Review Organization.

15.a. Intermediate Care Facility Services (other than such services in an institution for mental diseases) for persons determined in accordance with section 1902(a)(31)(a) of the Act, to be in need of such care are provided with no limitations.

b. Including such services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions are provided with no limitations.

16. Inpatient Psychiatric Facility Services for individuals under 22 years of age are provided with no limitations.

17. Nurse Midwife Services are provided in accordance with D.C. Law 10-247.

18. Hospice Care (in accordance with section 1905(c) of the Act).

A. Hospice programs provide palliative care and counseling services to terminally ill individuals in accordance with a written plan of care for each individual. The initial Hospice election period shall be for ninety (90) days, followed by a second ninety (90) day period, a third period of thirty (30) days, and then one or more thirty (30) day extended election periods as long as the provider obtains a written certification statement that the recipient's medical prognosis is for a life expectancy of six months or less. This certification shall be obtained no later than two (2) calendar days after the beginning of each period.

B. An election to receive hospice care is considered to continue through the initial election period and through any subsequent election periods without a break in care as long as the recipient remains in the care of the hospice and does not revoke the election.

C. If a recipient has both Medicare and Medicaid coverage, the hospice benefit shall be elected simultaneously as well as revoked simultaneously under both programs.

D. If the recipient revokes the hospice election, his or her waiver of other Medicaid coverage expires.

E. The recipient may revoke the hospice election during any period.

F. The recipient may designate a new provider of hospice care no more than once during an election period.

G. The recipient shall waive all rights to Medicaid coverage for the duration of the election of hospice care for services which are equivalent to the services covered under the Medicare Program. After Hospice election, Medicaid payment shall be made for services that are covered under the state plan if those services are not covered by Medicare.

1. Services provided by the designated hospice (either directly or under arrangement);

2. Services provided by the recipients' attending physician if that physician is not an employee of the designated hospice or receiving compensation from the hospice for those services; and

3. Quality of life prescription drugs.

H. Covered hospice services include:

1. Nursing care provided by or under the supervision of a registered nurse;

2. Medical social services provided by a licensed social worker under the direction of a physician;

3. Services performed by a doctor of medicine, of dental surgery or dental medicine (for persons under 21 years of age), of podiatric medicine, or of optometry, except that the services of the hospice medical director or the physician member of the interdisciplinary group must be performed by a doctor of medicine.

4. Counseling services, including bereavement, and if appropriate, spiritual and dietary;

5. Short-term inpatient care provided in a Medicaid certified hospice inpatient unit, or a Medicaid certified hospital or nursing home that provides supervision and management of the hospice team;

6. Durable medical equipment and supplies;

7. Prescription drugs which are used primarily for relief of pain and symptom control related to the recipient's terminal illness;

8. Physical, occupational and speech therapy services;

9. Home health aide, personal care aide, and homemaker services; and

10. Chemotherapy and radiation therapy to provide pain control or symptom relief

I. Continuous Home Care – care to maintain a recipient at home during a brief period of crisis is covered for:

1. Nursing care, provided by either a registered nurse or a licensed practical nurse, and accounting for more than half of the period of care;

2. A minimum of eight (8) hours of care, not necessarily consecutive, provided during a twenty-four (24) hour day which begins and ends at midnight; and

3. Homemaker, home health, and personal care aide services if needed, to supplement the nursing care.

19. Case Management Services and Tuberculosis Related Services

A. Case Management Services as Defined in, and to The Group Specified in, Supplement 2 to Attachment 3.1A (in accordance with section 1905(a)(19) or section 1915(g) of the Act) are provided with limitations.

B. Tuberculosis Related Services

1. Covered services shall be defined as those services listed in Section 13603 of the Omnibus Reconciliation Act of 1993 as being related to the treatment of those persons with a diagnosis of tuberculosis disease. In accordance with Section 13603, room and board are not a covered service for patients completing treatment under observation.

These services shall be prescribed by a physician and shall be part of a written plan of care approved by the Bureau of Tuberculosis Control of the Department of Health.

Only tuberculosis-related services meeting all the following requirements shall be reimbursed by the program:

a. Covered services shall be directly and specifically related to a plan of care written by a physician and approved by the Bureau of Tuberculosis Control;

b. The services shall be of reasonable amount, duration and frequency and shall be specific and provide effective treatment for the patient's condition in accordance with accepted standards of medical practice;

c. Case management services for tuberculosis patients shall be prior authorized by the Bureau of Tuberculosis Control.

2. Documentation Requirements
Documentation of tuberculosis-related services shall at a minimum:

a. Include the diagnosis and describe the clinical signs and symptoms of the patient's condition;

b. Include a complete and accurate description of the patient's clinical course and treatments;

c. Document that a plan of care based specifically on a comprehensive assessment of the patient's needs has been developed for the patient and reviewed and approved by the Bureau of Tuberculosis Control of the Commission of Public Health;

d. Include a copy of the plan of care and the physician's orders;

e. Include all treatment rendered to the patient in accordance with the plan of care, providing information on the frequency, duration, modality and response, and identify who provided the care by full name and title;

f. Describe changes in the patient's condition in response to the services provided through the plan of care; and,

g. Include the time frames necessary to complete the treatment and the patient's discharge destination.

Services provided to patients without an approved plan of care shall not be reimbursed.

3. Service limitations: The following general requirements shall apply to all reimbursable tuberculosis-related services:

a. Patients must be under the care of a physician who is legally authorized to practice and who is acting under the scope of his/her license.

b. Services shall be furnished under a written plan of care that is established and reviewed periodically by a physician. The services or items for which reimbursement is sought must be necessary to carry out the plan of care and must be related to the patient's condition.

c. A physician's re-certification of a plan shall be required periodically; shall be signed and dated by the physician who reviews the plan of care; shall indicate the continuing need for the service and estimate how long services will be needed; and, must be available when the plan of care is reviewed by the Medicaid program or its agent.

d. The physician's orders for services shall include the specific treatment to be provided and shall indicate the frequency and duration of services.

e. Utilization review shall be conducted by the Medicaid program or its agent to determine whether services are appropriately provided and to ensure that the services are medically necessary and appropriate. Services not specifically documented in the patient's medical record as having been rendered shall be deemed not to have been rendered and shall not be reimbursed, and services found not to be medically necessary as a result of utilization review shall not be reimbursed.

20. Extended Services for Pregnant Women

A. Pregnancy-related and postpartum services for 60 days after the pregnancy ends are provided with no limitations. The Department of Health will provide the full range of services available under the District of Columbia Medicaid State Plan, as long as the required medical service is pregnancy related.

B. Services for any other medical condition that may complicate pregnancy are provided with no limitations. The Department of Health will provide the full range of services available under the District of Columbia Medicaid State Plan, as long as the required medical service is pregnancy related.

21. Ambulatory Prenatal Care for Pregnant Women Furnished During A Presumptive Eligibility Period by A Qualified Provider (in accordance with section 1920 of the Act) is provided.

22. Respiratory Care Services (in accordance with section 1902(e)(9)(A) through (C) of the Act) are not provided for ventilator dependent individuals.

23. Nurse practitioner services are provided in accordance with D.C. Law 10-247.

A. The services of the nurse practitioner are subsumed under the broad category, Advanced Practice Registered Nursing which includes, but is not limited to, nurse midwife, nurse anesthetist, nurse practitioner and clinical nurse specialist.

B. The services of the advanced practice registered nurse are to be carried out in general collaboration with a licensed health care provider.

24. Any Other Medical Care and Any Other Type of Remedial Care Recognized under State Law, Specified by the Secretary

A. Transportation services are not discussed under this section of the state plan. See Attachment 3.1-D.

B. Services of Christian Science Nurses are not provided.

C. Care and Services Provided in Christian Science Sanitaria are not provided.

24. Any Other Medical Care and Any Other Type of Remedial Care Recognized Under State Law, Specified by the Secretary (cont'd)

D. Nursing Facility Services provided for Patients under 21 Years of Age are provided with no limitations.

E. Emergency Hospital Services

1. The emergency room clinic physician encounter must be authenticated in the medical record by the signature of a licensed physician to be considered for reimbursement by the program.

2. Reimbursement by the State Agency is restricted to one encounter when the same patient is seen in both the emergency room and/or outpatient clinic department on the same day.

3. Reimbursement for induced abortions is provided only in cases where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy occurred as a result of rape or incest, and when the claim is accompanied by the following documentation:

a. Documentation that services were performed by a provider licensed to provide such services; and

b. Written documentation from the treating physician that the life of the mother would be endangered if the fetus were carried to term; or

c. Documentation that the pregnancy occurred as a result of rape or incest. For purposes of this requirement, documentation may consist of official reports; a written certification from the patient that the pregnancy occurred as a result of rape or incest; certification from the physician that the patient declared the pregnancy occurred as a result of rape or incest; or certification from the physician that in his or her professional opinion, the pregnancy resulted from rape or incest.

Reimbursement shall be made according to the fee schedule amount and shall cover all services related to the procedure including physician fee(s), laboratory fee(s) and counseling fee(s).

5. (continued) Any other Medical Care and Any Other Type of Remedial Care Recognized Under State Law, Specified by the Secretary

f. Personal Care Services, Prescribed in Accordance with a Plan of Treatment and Furnished by Qualified Person Under Supervision of a Registered Nurse are covered with limitations.

1. Personal care aide (PCA) services must not exceed eight (8) hours per day, or one thousand and forty (1040) hours in any twelve (12) month period, unless prior authorization is given by the State Agency.

2. When the cost of PCA services, in addition to other home care services, exceeds the cost of institutional care over a six (6) month period, the State Medicaid Agency may limit or deny PCA services on a prospective basis.

3. A family member other than a spouse, parent of a minor recipient or any other legally responsible relative may provide personal care services. Family members must be certified according to CFR 484.36 (e) (1,2).

4. Covered Services

a. *Section 1905(a)(24) of the Act and Title 42, Code of Federal Regulations, section* 440.167(a)(3) authorizes the provision of personal care aide services "in a home, and at the state's option, in another location". Such services must be authorized by a physician in accordance with a plan of treatment, and be provided by an individual who is:

(1) Qualified to provide the services; and
(2) Supervised by a registered nurse.

b. Definitions

(1) "Personal Care Aide (PCA)" is an individual who provides services through a Provider Agency to assist the patient in activities of daily living including bathing dressing, toileting, ambulation, and eating.

(2) "Provider Agency" is a certified Home Health Agency or Homemaker Agency which holds a valid provider agreement with the District of Columbia Medicaid Agency to provide Personal Care Aide services.

c. Scope of Personal Care Aide Services

(1) In order to receive reimbursement from Medicaid, Personal Care Aide Services must be:

a. Ordered by a physician as part of the patient's plan of care,
b. Certified by the physician initially and every six months,
c. Recertified after any interruption of service, including hospital admission,
d. Be part of a total plan of care prepared by a registered nurse which is developed at the initiation of Personal Care Aide services. The Plan must be reviewed at least every six months, and specify the expected outcome of the services provided.

(2) Examples of Personal Care Aide services include:

a. Basic personal care such as bathing, grooming and assistance with toileting or bed pan use.
b. Assistance with prescribed, self-administered medication.
c. Meal preparation and assistance with eating.
d. Household tasks related to keeping the patient's living areas in a condition that promotes patient health and comfort.
e. Accompanying the patient to medically related appointments.
f. Shopping for items related to promoting the patient's nutritional status and other health needs.

(3) Personal Care Aide services may not include services that require the skills of a licensed professional, including catheter insertion, procedures requiring sterile techniques, and medication administration.

(4) Personal Care Aide services may not include tasks usually performed by chore workers, including cleaning of areas not occupied by the patient, cleaning laundry for family members of the patient, and shopping for items not used by the patient.