



*Administrator*

Washington, DC 20201

SEP 14 2015

Ms. Gretchen Hammer  
Medicaid Director  
Colorado Department of Health Care Policy and Financing  
1570 Grant Street  
Denver, CO 80203

Dear Ms. Hammer:

I am responding to your request to amend Colorado's section 1915(c) Children with Autism Home and Community-Based Services (HCBS) waiver, received by the Centers for Medicare & Medicaid Services (CMS) on June 16, 2015, (CMS control number 0434.R02.01). The Children with Autism HCBS waiver provides behavioral therapy, ongoing evaluation, and post-evaluation services. CMS shares the state's goal of Autism Spectrum Disorder (ASD) service provision, but must ensure that ASD services are provided to all children who meet the state's medical necessity criteria for such services, not just those children enrolled in a 1915(c) waiver.

CMS is denying this waiver amendment because, consistent with the provisions at section 1905(a)(4)(B) of the Social Security Act (the Act) for the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit, Colorado should be covering the services provided under this waiver to all children covered under the state plan (pursuant to section 1905(a), including sections 1905(a)(6), 1905(a)(13)(c) and 1905(a)(10)) of the Act. EPSDT requires states to provide any medically necessary section 1905(a) services to a child under the state plan. For individuals under the age of 21 who are eligible for EPSDT services, it is CMS policy to approve section 1915(c) HCBS waivers covering services and supports for children with ASD only if the waiver services are above and beyond state plan services listed in section 1905(a). Examples of such services that could be covered under the waiver are respite care, and/or environmental/vehicle modifications. For further guidance please review CMS' July 7, 2014, Informational Bulletin that addresses EPSDT expectations for Medicaid services available to children with ASD.

Because this 1915(c) HCBS waiver limits participation to a select group of children for the purpose of receiving ASD services, it is inconsistent with the purposes of title XIX of the Act in that it may, in practice, deprive Medicaid-eligible children of access to mandatory services under the state plan. After consulting with the Secretary as required by federal regulations at 42 CFR section 430.25(f)(2)(ii), I am unable to approve the proposed amendment for the reasons cited above.

CMS will continue to monitor Colorado's 1915(c) Children with Autism HCBS waiver and the state plan to ensure compliance with EPSDT and access to care for all Medicaid eligible children. If you have any questions or wish to discuss this determination further, please contact Ms. Alissa Mooney DeBoy, 410-786-1699, Acting Director, Disabled and Elderly Health Programs Group, 7500 Security Boulevard, Mail Stop S2-14-26, Baltimore, Maryland 21244-1850.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew M. Slavitt".

Andrew M. Slavitt  
Acting Administrator

cc: Jed Ziegenhagen  
Sarah Roberts