

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-01-16
Baltimore, Maryland 21244-1850



October 31, 2017

Meghan Davey
Director
State of New Jersey,
Department of Human Services
Division of Medical Assistance and Health Services
7 Quakerbridge Plaza, PO Box 712
Trenton, NJ 08625-0712

Dear Ms. Davey:

This letter is to inform you that the Centers for Medicare & Medicaid Services (CMS) has granted your request to incorporate the Opioid Use Disorder (OUD)/Substance Use Disorder (SUD) program into New Jersey's section 1115(a) demonstration (11-W00279/2) entitled "NJ FamilyCare Comprehensive Demonstration." This approval is effective as of the date of this letter through June 30, 2022, unless otherwise specified.

This demonstration authorizes New Jersey to expand the OUD/SUD benefit package to combat prescription drug abuse and opioid use disorders, and provide treatment services, including withdrawal management services in residential treatment facilities that meet the definition of an Institution for Mental Disease (IMD). Implementation of the OUD/SUD program advances the purposes of the Medicaid program as it is expected to improve health outcomes for Medicaid beneficiaries, by increasing access to high quality OUD/SUD care, and by expanding the OUD/SUD provider networks available to serve Medicaid populations.

CMS' approval of this amendment is conditioned on compliance with the enclosed set of Special Terms and Conditions (STCs) defining the nature, character, and extent of anticipated federal involvement in the project. The award is subject to your written acknowledgement of the award and acceptance of the STCs within 30 days of the date of this letter.

Your project officer for this demonstration is Ms. Sandra Phelps. She is available to answer any questions concerning your section 1115 demonstration. Ms. Phelps' contact information is:

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Mail Stop: S2-03-06
7500 Security Boulevard
Baltimore, MD 21244-1850
Telephone: (410) 786-1968
Facsimile: (410) 786-5882
E-mail: Sandra.Phelps@cms.hhs.gov

Official communication regarding official matters should be simultaneously sent to Ms. Phelps and Mr. Michael Melendez, Associate Regional Administrator for the Division of Medicaid and Children’s Health in our New York Regional Office. Mr. Melendez’s contact information is as follows:

Mr. Michael Melendez
Associate Regional Administrator
Centers for Medicare & Medicaid Services
Jacob K. Javits Federal Building
26 Federal Plaza – Room 3835
New York, NY 10278
Telephone: (212) 616-2430
E-mail: Michael.Melendez@cms.hhs.gov

If you have any questions regarding this approval, please contact Ms. Judith Cash, Acting Director, State Demonstrations Group, Centers for Medicaid & CHIP Services at (410) 786-9686.

Sincerely,

/s/

Brian Neale, Director
Center for Medicaid and CHIP Services

cc: Michael Melendez, Associate Regional Administrator

**CENTERS FOR MEDICARE & MEDICAID SERVICES
WAIVER AUTHORITY**

NUMBER: 11-W-00279/2

TITLE: New Jersey FamilyCare Comprehensive Demonstration

AWARDEE: New Jersey Department of Human Services Division of Medical Assistance and Health Services

All requirements of the Medicaid program expressed in law, regulation, and policy statement, not expressly waived in this list, shall apply to the demonstration project beginning August 1, 2017, through June 30, 2022, unless otherwise specified. In addition, these waivers may only be implemented consistent with the approved Special Terms and Conditions (STCs).

All previously approved waivers for this demonstration are superseded by those set forth below with respect to the state's operation of the demonstration during the period from August 1, 2017 through June 30, 2022.

Under the authority of section 1115(a)(1) of the Social Security Act (the Act), the following waivers of state plan requirements contained in section 1902 of the Act are granted in order to enable New Jersey (state) to carry out the New Jersey FamilyCare Comprehensive section 1115 demonstration.

1. Statewide Operation **Section 1902(a)(1)**

To the extent necessary to enable the state to provide managed care plans or different types of managed care plans, only in certain geographic service areas.

2. Amount, Duration, & Scope **Section 1902(a)(10)(B)**

To the extent necessary to enable the state to vary the amount, duration, and scope of services offered to individuals under this demonstration, regardless of eligibility category, by providing additional services to enrollees in certain targeted programs to provide home and community-based services and/or managed long term services and supports.

3. Transfer of Assets **Section 1902(a)(18) insofar
incorporates Section 1917(c)**

To the extent necessary to enable the state to allow individuals, who have incomes at or below 100 percent of the FPL, to self-attest at the time of application that no transfers were made during the look back period.

4. Freedom of Choice

Section 1902(a)(23)(A)

To enable the state to restrict freedom of choice of provider through the use of mandatory enrollment in managed care plans for the receipt of covered services. No waiver of freedom of choice is authorized for family planning providers.

5. Direct Provider Reimbursement

Section 1902(a)(32)

To permit the state to have individuals self-direct expenditures for HCBS long-term care and supports.

**CENTERS FOR MEDICARE & MEDICAID SERVICES
EXPENDITURE AUTHORITY**

NUMBER: 11-W-00279/2

TITLE: New Jersey FamilyCare Comprehensive Demonstration

AWARDEE: New Jersey Department of Human Services, Division of Medical Assistance and Health Services

Under the authority of section 1115(a)(2) of the Social Security Act (the Act), expenditures made by New Jersey for the items identified below, which are not otherwise included as expenditures under section 1903 of the Act, incurred during the period of this demonstration, for the period of this demonstration extension (August 1, 2017 through June 30, 2022) unless otherwise specified, shall be regarded as expenditures the state's title XIX plan. All previously approved expenditure authorities for this demonstration are superseded by those set forth below for the state's expenditures relating to dates of service during this demonstration extension (August 1, 2017 through June 30, 2022).

The following expenditure authorities may only be implemented consistent with the approved Special Terms and Conditions (STCs) and shall enable New Jersey to operate the New Jersey FamilyCare Comprehensive 1115 demonstration.

Title XIX – Cost Not Otherwise Matchable

I. Targeted HCBS Demonstration Expenditures

The following expenditures are for the provision of targeted home and community-based services (as specified in the STCs) that are not described in section 1905(a) of the Act, and not otherwise available under the approved state plan, but that could be provided under the authority of a section 1915(c) waiver, that are delivered to demonstration participants, Fee for Service (FFS) with qualifying income and resources, and meet an institutional level of care.

- 1. Supports Program.** Expenditures for health-care related costs for individuals who live with a family member or in their own home that is not licensed by the state; are over the age of 21, meet the functional eligibility criteria for the Supports Program as prescribed in the STCs, and are Medicaid eligible or have income up to 300 percent of the Federal Benefit Rate (FBR).
- 2. Children's Support Services Program (SED).** Expenditures for health-care related costs to provide behavioral health and/or home and community based services and supports to youth ages 0- 21, that have a serious emotional disturbance (SED) which places them at risk of hospitalization, out of home treatment, or at hospital level of care.
 - a. Individuals who are Medicaid eligible or CHIP eligible receive targeted HCBS services authorized under the demonstration;
 - b. Individuals who are not otherwise eligible for Medicaid State Plan due to family income, with income up to 300% of the FBR receive State plan services and targeted HCBS services authorized under the demonstration;
 - c. Individuals who are not otherwise eligible for Medicaid State plan due to family

income, with income up to 150% Federal Poverty Level (FPL) receive targeted HCBS services authorized under the demonstration and State Plan behavioral health services only.

- 3. Children's Support Services Program (I/DD).** Expenditures for health-care related costs for home and community based services for youth with intellectual/developmental disabilities (ID/DD) or a co-occurring mental health diagnosis (ID/DD-MI), ages 0-21, who meet the functional eligibility criteria as prescribed in the STCs, and are Medicaid eligible or have income up to 300 percent of the Federal Benefit Rate (FBR).
- 4. Intellectual Development Disability Program for Out of State New Jersey Residents (ID/DD-OOS).** Expenditures for health-care related costs to provide home and community based support services for individuals who are Medicaid eligible and reside in an eligible out of state setting or those individuals who are court ordered after to receive services outside of New Jersey.
- 5. Community Care Program.** Expenditures for health-care related costs for services and supports under the Community Care Program as described in the STCs for Medicaid eligible individuals above the age of 21 with developmental disabilities living in the home or a residential facility who meet the Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/ID) level of care criteria and specific Medicaid requirements regarding income and resources.
- 6. Autism Spectrum Disorder Program.** Expenditures for health-care related costs for autism services that are not otherwise covered under the Medicaid State plan for children who are Medicaid eligible and have been diagnosed with Autism Spectrum Disorder (ASD).

II. MLTSS Demonstration Expenditures

- 7. Managed Long Term Services and Supports (MLTSS) Program.** Expenditures for health-care related costs for home and community based services provided to the elderly and disabled through a managed care delivery system, as authorized under this demonstration, (as specified in Attachment D of the STCs) that are not described in section 1905(a) of the Act, and not otherwise available under the approved state plan, but that could be provided under the authority of a section 1915(c) waiver, and that are provided to demonstration participants with qualifying income and resources, and meet an institutional level of care.

III. Income Eligibility Specific Expenditures

- 8. 217-Like Expansion Populations.** Expenditures for the provision of Medicaid State plan services, targeted HCBS services and MLTSS service, authorized under this demonstration, for individuals identified in the STCs who would otherwise be Medicaid-eligible under section 1902(a)(10)(A)(ii)(VI) of the Act and 42 CFR § 435.217 in conjunction with section 1902(a)(10)(A)(ii)(V) of the Act, including the Spousal Impoverishment Eligibility and Post Eligibility Rules specified at 1924 of the Act, the requirements of section 2404 of the ACA, the regular post eligibility rules specified at 435.726 of the federal regulations and the requirements of being a Miller Trust state specified at 1917 of the Act, if they received such services under a HCBS waiver granted to the state under section 1915(c) of the Act.

IV. SUD Services in Institutions for Mental Disease (SUD IMD Services MEGs 1, 2, and 3). Expenditures for the costs of state plan services provided to individuals ages 21-64, who are patients in an Institution for Mental Disease (IMD) related to the treatment of a substance use disorder.

V. Delivery System Related Expenditures

9. Delivery System Reform Incentive Payment (DSRIP) Program. Expenditures for incentive payments to eligible providers for the Delivery System Reform Incentive Payment (DSRIP) program as described in Section VIII of the STCs. The state may not claim FPP until CMS has received and approved all deliverables as specified in the STCs and post approval protocols. This authority expires on June 30, 2020.

All requirements of the Medicaid program expressed in law, regulation, and policy statement, not expressly waived under the Waiver List or identified as not applicable in the list below, shall apply to the demonstration populations as specified.

Title XIX Requirements Not Applicable to the Supports Program, Children Support Services Program and ID/DD, and Persons with Intellectual Disabilities Out of State Programs (ID/DD-OOS):

1. Reasonable Promptness **Section 1902(a)(8)**

To the extent necessary to enable the state to limit enrollment through waiting lists for the following demonstration programs: Supports Program, Children Support Services Program and ID/DD, and Persons with Intellectual Disabilities Out of State Programs (ID/DD-OOS) to receive targeted HCBS services outlined in the STCs.

Title XIX Requirements Not Applicable to the Supports Program:

1. Income and Asset Standards **Section 1902(a)(17)**

To enable the state to disregard Title II benefits received based on parents' income for an individual who was not receiving Supplemental Security Income (SSI) as of their 18th birthday. Therefore, these individuals can qualify for the Supports Program.

**CENTERS FOR MEDICARE & MEDICAID SERVICES
SPECIAL TERMS AND CONDITIONS (STCs)**

NUMBER: 11-W-00279/2

TITLE: New Jersey FamilyCare (NJFC) 1115 Demonstration

AWARDEE: New Jersey Department Human Services
Division of Medical Assistance and Health Services

I. PREFACE

The following are the Special Terms and Conditions (STCs) for the “New Jersey FamilyCare Demonstration” section 1115(a) Medicaid and Children’s Health Insurance Plan (CHIP) demonstration (hereinafter “demonstration”), to enable the New Jersey Department of Human Services, Division of Medical Assistance and Health Services (state) to operate this demonstration. The Centers for Medicare & Medicaid Services (CMS) has granted waivers of requirements under section 1902(a) of the Social Security Act (Act), and expenditure authorities authorizing federal matching of demonstration costs not otherwise matchable, which are separately enumerated. These STCs set forth conditions and limitations on those waivers and expenditure authorities, and describe in detail the nature, character, and extent of federal involvement in the demonstration and the state’s obligations to CMS during the life of the demonstration. These STCs neither grant additional waivers or expenditure authorities, nor expand upon those separately granted. The STCs are effective as of the date of the approval letter, unless otherwise specified. All previously approved STCs are superseded by the STCs set forth below with respect to the state’s operation of the demonstration from August 1, 2017 through June 30, 2022, unless otherwise specified. The demonstration expires on June 30, 2022.

The STCs related to the programs for those state plan and demonstration populations affected by the demonstration are effective from August 1, 2017 through June 30, 2022.

The STCs have been arranged into the following subject areas:

- I. Preface
- II. Program Description and Objectives
- III. General Program Requirements
- IV. Eligibility and Enrollment
- V. Demonstration Programs and Benefits
- VI. Cost Sharing
- VII. Title XXI Premium Support Program
- VIII. Delivery System
- IX. Delivery System Reform Incentive Payment Program
- X. General Reporting Requirements

New Jersey FamilyCare Comprehensive Demonstration
Demonstration Approval Period: August 1, 2017 through June 30, 2022
Amended October 31, 2017

- XI. Monitoring
- XII. Evaluation of the Demonstration
- XIII. General Financial Requirements Under Title XIX
- XIV. Monitoring Budget Neutrality for the Demonstration
- XV. Schedule of Deliverables for the Demonstration Extension Period

Additional attachments have been included to provide supplementary information and guidance for specific STCs.

Attachment A	Quarterly Report Template
Attachment B	State Plan Benefits
Attachment C	HCBS-FFS Program Service Definitions
Attachment D	MLTSS Program Service Definitions
Attachment E	Severe Emotional Disturbance Service Definitions (SED)
Attachment F	Historical Context
Attachment G	Behavioral Health Organization (BHO) and Administrative Services Organization (ASO) Benefit and Payment Table
Attachment H	Reserved for revised DSRIP Planning Protocol; Addendum 1, Addendum 2, and Addendum 3
Attachment I	Reserved for revised DSRIP Program Funding and Mechanics Protocol
Attachment J	Hospitals Eligible for DSRIP Payments
Attachment K	Developing the Evaluation Design
Attachment L	Preparing the Evaluation Report
Attachment M	Reserved for Evaluation Design

II. PROGRAM DESCRIPTION

In this extension of the demonstration, New Jersey will continue healthcare delivery reforms that were initiated during the previous demonstration period. Specifically, the state will continue its expansion of managed care to Long Term Services and Supports (LTSS) and behavioral health services, targeted home and community-based services (HCBS) programs for children and in home community supports for individuals with intellectual and development disabilities. In addition, the state will implement new targeted initiatives to provide behavioral health and substance use disorder services and expand the scope and duration of supports services for individuals with intellectual and developmental disabilities. CMS has agreed to extend New Jersey’s delivery system reform incentive payment (DSRIP) program with the condition that the program will expire on June 30, 2020.

During the extension period approved for State Fiscal Year (SFY) 2018-2022, the demonstration will:

- Maintain Medicaid and CHIP State plan benefits without change;
- Maintain its Managed Long Term Services and Supports (MLTSS) program;
- Increase access to services and supports for individuals with intellectual and developmental disabilities;
- Further streamline NJFC eligibility and enrollment;

- Enhance access to critical providers and underserved areas through alternative provider development initiatives; and
- Continue DSRIP funding to promote and foster health care delivery system innovations.

Demonstration Goals:

In this demonstration extension, the state seeks to achieve the following goals:

- Maintain its MLTSS program;
- Achieve better care coordination for and the promotion of integrated behavioral and physical health to for a more patient centered care experience, and to offer aligned financial incentives and value-based payments;
- Simplify and streamline the administration and oversight of services in order to better monitor the overall health of the Medicaid population; as well as act as the first step to remove silos of care for I/DD youth transitioning from the children’s system into the adult system;
- To provide access to services earlier in life in order to avoid unnecessary out-of-home placements, decrease interaction with the juvenile justice system, and see savings in the adult behavioral health and I/DD systems;
- To build on current processes to further streamline eligibility and enrollment for NJFC beneficiaries;
- To reduce hospitalizations and costs associated with disease and injury.; and
- Establish an integrated behavioral health delivery system that includes a flexible and comprehensive substance use disorder (SUD) benefit and the New Jersey continuum of care.

III. GENERAL PROGRAM REQUIREMENTS

1. **Compliance with Federal Non-Discrimination Statutes.** The state must comply with all applicable federal statutes relating to non-discrimination. These include, but are not limited to, the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.
2. **Compliance with Medicaid and Child Health Insurance Program (CHIP) Law, Regulation, and Policy.** All requirements of the Medicaid program, or the Children’s Health Insurance Program (CHIP) for the separate CHIP population, expressed in law, regulation, and policy statement, not expressly waived or identified as not applicable in the waiver and expenditure authority documents (of which these terms and conditions are part), apply to the demonstration.
3. **Changes in Medicaid and CHIP Law, Regulation, and Policy.** The state must, within the timeframes specified in law, regulation, or policy statement, come into compliance with any changes in federal law, regulation, or policy affecting the Medicaid or CHIP programs that occur during this demonstration approval period, unless the provision being changed is expressly waived or identified as not applicable. In addition, CMS reserves the right to amend the STCs to reflect such changes and/or changes as needed without requiring the state to submit an amendment to the demonstration under STC 7. CMS will notify the state 30

business days in advance of the expected approval date of the amended STCs to allow the state to provide comment. Changes will be considered in force upon issuance of the approval letter by CMS. The state must accept the changes in writing.

4. **Impact on Demonstration of Changes in Federal Law, Regulation, and Policy.**
 - A. To the extent that a change in federal law, regulation, or policy requires either a reduction or an increase in federal financial participation (FFP) for expenditures made under this demonstration, the state must adopt, subject to CMS approval, a modified budget neutrality agreement for the demonstration as necessary to comply with such change. The modified agreement will be effective upon the implementation of the change. The trend rates for the budget neutrality agreement are not subject to change under this subparagraph.
 - B. If mandated changes in the federal law require state legislation, the changes must take effect on the earlier of the day such state legislation becomes effective, or on the last day such legislation was required to be in effect under the law.
5. **State Plan Amendments.** The state will not be required to submit title XIX or XXI state plan amendments for changes affecting any populations made eligible solely through the demonstration. If a population eligible through the Medicaid or CHIP state plan is affected by a change to the demonstration, a conforming amendment to the appropriate state plan is required, except as otherwise noted in these STCs. In all such cases, the Medicaid state plan governs.
6. **Changes Subject to the Amendment Process.** Changes related to eligibility, enrollment, benefits, delivery systems, cost sharing, evaluation design, sources of non-federal share of funding, budget neutrality, and other comparable program elements must be submitted to CMS as amendments to the demonstration. All amendment requests are subject to approval at the discretion of the Secretary in accordance with section 1115 of the Act. The state must not implement changes to these elements without prior approval by CMS. Amendments to the demonstration are not retroactive and FFP will not be available for changes to the demonstration that have not been approved through the amendment process set forth in STC 7 below.
7. **Amendment Process.** Requests to amend the demonstration must be submitted to CMS for approval no later than 120 calendar days prior to the planned date of implementation of the change and may not be implemented until approved. CMS reserves the right to deny or delay approval of a demonstration amendment based on non-compliance with these STCs, including, but not limited to the failure by the state to submit required reports and other deliverables according to the deadlines specified therein. Amendment requests must include, but are not limited to, the following:
 - A. An explanation of the public process used by the state, consistent with the requirements of STC 15 to reach a decision regarding the requested amendment;

- B. A data analysis which identifies the specific “with waiver” impact of the proposed amendment on the current budget neutrality agreement. Such analysis must include current total computable “with waiver” and “without waiver” status on both a summary and detailed level through the current approval period using the most recent actual expenditures, as well as summary and detailed projections of the change in the “with waiver” expenditure total as a result of the proposed amendment, which isolates (by Eligibility Group) the impact of the amendment;
 - C. An up-to-date CHIP allotment worksheet, if necessary.
 - D. A detailed description of the amendment, including impact on beneficiaries, with sufficient supporting documentation; and
 - E. If applicable, a description of how the evaluation designs will be modified to incorporate the amendment provisions.
- 8. Extension of the Demonstration.** States that intend to request demonstration extensions under sections 1115(a), 1115(e) or 1115(f) must submit an extension request no later than 12 months prior to the expiration date of the demonstration. The chief executive officer of the state must submit to CMS either a demonstration extension request or a phase-out plan consistent with the requirements of STC 9.
- A. As part of the demonstration extension requests the state must provide documentation of compliance with the transparency requirements 42 CFR §431.412 and the public notice and tribal consultation requirements outlined in STC 15.
 - B. Upon application from the state, CMS reserves the right to temporarily extend the demonstration including making any amendments deemed necessary to effectuate the demonstration extension including but not limited to bringing the demonstration into compliance with changes to federal law, regulation and policy.
- 9. Compliance with Transparency Requirements 42 CFR Section 431.412.** As part of the demonstration extension requests the state must provide documentation of compliance with the transparency requirements 42 CFR Section 431.412 and the public notice and tribal consultation requirements outlined in STC 15, as well as include the following supporting documentation:
- i. Demonstration Summary and Objectives: The state must provide a narrative summary of the demonstration project, reiterate the objectives set forth at the time the demonstration was proposed and provide evidence of how these objectives have been met as well as future goals of the program. If changes are requested, a narrative of the changes being requested along with the objective of the change and desired outcomes must be included.

- ii. Special Terms and Conditions: The state must provide documentation of its compliance with each of the STCs. Where appropriate, a brief explanation may be accompanied by an attachment containing more detailed information. Where the STCs address any of the following areas, they need not be documented a second time.
- iii. Waiver and Expenditure Authorities: The state must provide a list along with a programmatic description of the waivers and expenditure authorities that are being requested in the extension.
- iv. Quality: The state must provide summaries of: External Quality Review Organization (EQRO) reports; managed care organization (MCO) reports; state quality assurance monitoring; and any other documentation that validates the quality of care provided or corrective action taken under the demonstration.
- v. Compliance with Budget Neutrality Cap: The state must provide financial data (as set forth in the current STCs) demonstrating the state's detailed and aggregate, historical and projected budget neutrality status for the requested period of the extension as well as cumulatively over the lifetime of the demonstration. CMS will work with the state to ensure that federal expenditures under the extension of this project do not exceed the federal expenditures that would otherwise have been made. In doing so, CMS will take into account the best estimate of current trend rates at the time of the extension. In addition, the state must provide up to date responses to the CMS Financial Management standard questions. If title XXI funding is used in the demonstration, a CHIP Allotment Neutrality worksheet must be included.
- vi. Evaluation Report: The state must provide an evaluation report reflecting the hypotheses being tested and any results available. For the proposed extension period, the state must provide a narrative summary of the evaluation design, status (including evaluation activities and findings to date), and plans for evaluation activities during the extension period.
- vii. Documentation of Public Notice 42 CFR section 431.408: The state must provide documentation of the state's compliance with public notice process as specified in 42 CFR section 431.408 including the post-award public input process described in 431.420(c) with a report of the issues raised by the public during the comment period and how the state considered the comments when developing the demonstration extension application.

10. Demonstration Phase-Out. The state may only suspend or terminate this demonstration in whole, or in part, consistent with the following requirements.

- A. Notification of Suspension or Termination: The state must promptly notify CMS in writing of the reason(s) for the suspension or termination, together

with the effective date and a phase-out plan. The state must submit its notification letter and a draft phase-out plan to CMS no less than 6 months before the effective date of the demonstration's suspension or termination. Prior to submitting the draft phase-out plan to CMS, the state must publish on its website the draft phase-out plan for a 30-day public comment period. In addition, the state must conduct tribal consultation in accordance with its approved tribal consultation State Plan Amendment. Once the 30-day public comment period has ended, the state must provide a summary of each public comment received the state's response to the comment and how the state incorporated the received comment into a revised phase-out plan.

The state must obtain CMS approval of the phase-out plan prior to the implementation of the phase-out activities. Implementation of phase-out activities must be no sooner than 14 calendar days after CMS approval of the phase-out plan.

- B. Phase-out Plan Requirements: The state must include, at a minimum, in its phase-out plan the process by which it will notify affected beneficiaries, the content of said notices (including information on the beneficiary's appeal rights), the process by which the state will conduct administrative reviews of Medicaid eligibility for the affected beneficiaries, and ensure ongoing coverage for eligible individuals, as well as any community outreach activities.
- C. Phase-out Procedures: The state must comply with all notice requirements found in 42 CFR §431.206, 431.210 and 431.213. In addition, the state must assure all appeal and hearing rights afforded to demonstration participants as outlined in 42 CFR §431.220 and 431.221. If a demonstration participant requests a hearing before the date of action, the state must maintain benefits as required in 42 CFR §431.230. In addition, the state must conduct administrative renewals for all affected beneficiaries in order to determine if they qualify for Medicaid eligibility under a different eligibility category as discussed in October 1, 2010, State Health Official Letter #10-008.
- D. Federal Financial Participation (FFP): If the project is terminated or any relevant waivers suspended by the state, FFP must be limited to normal closeout costs associated with terminating the demonstration including services and administrative costs of disenrolling participants.
- E. Post Award Forum: Within six months of the demonstration's implementation, and annually thereafter, the state will afford the public with an opportunity to provide meaningful comment on the progress of the demonstration. At least 30 calendar days prior to the date of the planned public forum, the state must publish the date, time and location of the forum in a prominent location on its website. The state can use either its Medical

Assistance Advisory Committee, or another meeting that is open to the public and where an interested party can learn about the progress of the demonstration to meet the requirements of this STC. The state must include a summary of the comments and issues raised by the public at the forum and include the summary in the quarterly report, as specified in STC 70, associated with the quarter in which the forum was held. The state must also include the summary in its annual report as required in STC 71.

- 11. CMS Right to Terminate or Suspend.** CMS may suspend or terminate the demonstration in whole or in part at any time before the date of expiration, whenever it determines, following a hearing that the state has materially failed to comply with the terms of the project. CMS will promptly notify the state in writing of the determination and the reasons for the suspension or termination, together with the effective date.
- 12. Finding of Non-Compliance.** The state does not relinquish its rights to challenge CMS' finding that the state materially failed to comply.
- 13. Withdrawal of 1115(a) Authority.** CMS reserves the right to withdraw waiver or expenditure authorities at any time it determines that continuing the waiver or expenditure authorities would no longer be in the public interest or promote the objectives of title XIX. CMS will promptly notify the state in writing of the determination and the reasons for the withdrawal, together with the effective date, and afford the state an opportunity to request a hearing to challenge CMS' determination prior to the effective date. If a waiver or expenditure authority is withdrawn, FFP is limited to normal closeout costs associated with terminating the waiver or expenditure authority, including services and administrative costs of disenrolling participants.
- 14. Adequacy of Infrastructure.** The state will ensure the availability of adequate resources for implementation and monitoring of the demonstration, including education, outreach, and enrollment; maintaining eligibility systems; compliance with cost sharing requirements; and reporting on financial and other demonstration components.
- 15. Public Notice, Tribal Consultation, and Consultation with Interested Parties.** The state must comply with the State Notice Procedures set forth in 59 Fed. Reg. 49249 (September 27, 1994). The state must also comply with the tribal consultation requirements in section 1902(a)(73) of the Act as amended by section 5006(e) of the American Recovery and Reinvestment Act (ARRA) of 2009 and the tribal consultation requirements contained in the state's approved state plan, when any program changes to the demonstration, including (but not limited to) those referenced in STC 7, are proposed by the state.

In states with federally recognized Indian tribes, consultation must be conducted in accordance with the consultation process outlined in the July 17, 2001 letter or the consultation process in the state's approved Medicaid State plan if that process is specifically applicable to consulting with tribal governments on waivers (42 C.F.R.

§431.408(b)(2)).

In states with federally recognized Indian tribes, Indian health programs, and/or Urban Indian organizations, the state is required to submit evidence to CMS regarding the solicitation of advice from these entities prior to submission of any demonstration proposal, and/or renewal of this demonstration (42 C.F.R. §431.408(b)(3)). The state must also comply with the Public Notice Procedures set forth in 42 CFR 447.205 for changes in statewide methods and standards for setting payment rates.

16. Federal Financial Participation (FFP). No federal matching funds for expenditures for this demonstration will take effect until the effective date identified in the demonstration approval letter, or later date if so identified elsewhere in these STCs or in the list of waiver or expenditure authorities.

17. Transformed Medicaid Statistical Information Systems Requirements (T-MSIS).

The state must comply with all data reporting requirements under Section 1903(r) of the Act, including but not limited to Transformed Medicaid Statistical Information Systems Requirements. More information regarding T-MSIS is available in the August 23, 2013 State Medicaid Director Letter.

18. Common Rule Exemption. The state shall ensure that the only involvement of human subjects in research activities which may be authorized and/or required by this demonstration is for projects which are conducted by or subject to the approval of CMS, and which are designed to study, evaluate, or otherwise examine the Medicaid program – including public benefit or service programs; procedures for obtaining Medicaid benefits or services; possible changes in or alternatives to those programs or procedures; or possible changes in methods or level of payment for benefits or services under those programs. CMS has determined that this demonstration as represented in these approved STCs meets the requirements for exemption from the human subject research provisions of the Common Rule set forth in 45 CFR 46.101(b)(5).

IV. ELIGIBILITY AND ENROLLMENT

19. Eligible Populations. This demonstration affects mandatory and optional Medicaid state plan populations as well as populations eligible for benefits only through the demonstration. Table A, at the end of section IV of the STCs, shows each specific group of individuals; the program name, population descriptions and statutory/regulatory citations, income standards/methodologies, service package received under the demonstration; and expenditure group under which expenditures are reported to CMS. Attachment B provides a complete overview of benefits provided under the demonstration, which is incorporated by reference.

Individuals eligible for both Medicare and Medicaid (duals) are covered under this demonstration for Medicaid services.

In addition, populations eligible under the state plan, as identified in Table A below, may be affected by the demonstration through requirements to enroll in the Medicaid managed care program under the demonstration to receive state plan benefits.

20. State Plan Eligibility Groups Affected By the Demonstration. Benefits and service delivery options for the mandatory and optional state plan groups described in Table A below are affected by the demonstration. To the extent indicated in STC 32, these groups receive covered benefits through managed care organizations (MCOs).

21. Expansion Groups. Non-Medicaid eligible groups described in Table A below are eligible under the demonstration, to the extent included in expenditure authorities separately granted to facilitate this demonstration. To the extent indicated in STC 32, these groups receive covered benefits through managed care organizations (MCOs).

22. Eligibility/Post-Eligibility Treatment of Income and Resources for Institutionalized Individuals. In determining eligibility (except for short-term stays) for institutionalized individuals, the state must use the rules specified in the currently approved Medicaid State plan. Individuals with monthly income above the Medicaid Only institutional income limit (\$2,205 in 2017) must establish a Qualified Income Trust (QIT) if they meet an institutional level of care and are trying to obtain Medicaid eligibility for long term services and supports (MLTSS), the Supports program and the Supports plus PDN program.

23. Individuals Receiving Home and Community Based Services or Managed Long Term Services and Supports.

A. 217-Like Group of Individuals Receiving HCBS Services (MLTSS). Institutional eligibility and post eligibility rules apply in the same manner as specified under 42 CFR 435.217, 435.236, 435.726 and 1902(m)(1), and 1924 of the Social Security Act, if the state had 1915(c) waivers.

The state will use the portion of the capitated payment rate that is attributable to HCBS/MLTSS as the “dollar” amount of HCBS/MLTSS services that the individual is liable for since the capitated portion of the rate that is attributable HCBS/MLTSS is the actual amount the state pays to the managed care organization/entity for these services.

B. 217-Like Groups of Individuals Receiving HCBS Like Services Under Targeted HCBS Programs. Institutional eligibility and post eligibility rules apply in the same manner as specified under 42 CFR 435.217, 435.236, 435.726 and 1924 of the Social Security Act, if the state had 1915(c) waivers. The state uses the SSI resource standard.

24. Transfer of Assets. At the time of application for long term care and home and community based services, based on self-attestation, New Jersey will not review assets

pursuant to section 1917(c) of the Act for applicants or beneficiaries seeking long term services and supports with income at or below 100 percent of the Federal Poverty Level (FPL). Individuals are required to complete a self-attestation form at the time of the application. The self-attestation form is collected by the state where they state completes a quality control check on a sample of cases as part of the demonstration evaluation. When the applicant does not complete the self-attestation form upon application for long term care and HCBS, the state must perform a full look back.

25. Post-Eligibility Treatment of Income. States are permitted to establish a variance from their standard personal needs allowances described in 42 CFR 435.700 et seq. for individuals who have discrete needs, beyond standard needs, such as individuals who are charged guardianship fees. The state must submit a State Plan Amendment to effectuate this authority.

26. Eligibility Exclusions. Notwithstanding the criteria outlined in this section or in Table A below, the following individuals are excluded from this demonstration:

Qualified Medicare Beneficiaries – 1902(a)(10)(E)(i); 1905(p)
Special Low Income Medicare Beneficiaries – 1902(a)(10)(E)(iii); 1905(p)
Qualifying Individuals – 1902(a)(10)(E)(iv); 1905(p)
Qualified Disabled Working Individuals – 1902(a)(10)(E)(iii); 1905(s)
Program of All-Inclusive Care of the Elderly Participants

Table A

a. Medicaid State Plan Mandatory Groups

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	Reporting MEG
AFDC including Pregnant women	<ol style="list-style-type: none"> 1. Section 1931 low-income families with children- §1902(a)(10)(A)(i)(I) §1931 2. Individuals who lose eligibility under §1931 due to increased earned income or working hours - §1902(a)(10)(A)(i)(I) §408(a)(11)(A), §1925, 1931(c)(2), 1902(a)(52), 1902(e)(1)(B) <ul style="list-style-type: none"> ▪ Individuals who lose eligibility under §1931 because of income from child or spousal support - §1902(a)(10)(A)(i)(I), §1931(c)(1), §408(a)(11)(B) ▪ Qualified pregnant women - §1902(a)(10)(A)(i)(III) §1905(n)(1) ▪ Qualified children - §1902(a)(10)(A)(i)(III) §1905(n)(2) ▪ Newborns deemed eligible for one year - §1902(e)(4) ▪ Pregnant women who lose eligibility receive 60 days coverage for pregnancy-related and post-partum services - §1902(e)(5) ▪ Pregnant women losing eligibility because of a change in income remain 	<p>MAGI converted AFDC limit for a family of four is \$585. No resource limit.</p> <p>Pregnant women under MAGI have income standards established at 194% FPL (plus a 5% disregard) and SCHIP Pregnant women under MAGI have income standards established at 200% FPL (plus a 5% disregard).</p>	Plan A	“Title XIX”

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	Reporting MEG
	eligible 60 days post-partum - §1902(e)(6)			
New Adult Group	3. Affordable Care Act new adult group, described in 1902(a)(10)(A)(i)(VIII) and 42 CFR 435.119, pursuant to the approved state plan.	Under MAGI, income standard is 133% FPL (plus a 5% disregard). Ages 21-64: 0 through 133% FPL	FamilyCare ABP	New Adult Group
Foster Care	4. Children receiving IV-E foster care payments or with IV-E adoption assistance agreements - §1902(a)(10)(i)(I), §473(b)(3)	Auto-eligible	Plan A	“Title XIX”
SSI recipients	<ul style="list-style-type: none"> ▪ Individuals receiving SSI cash benefits - §1902(a)(10)(A)(i)(I) ▪ Disabled children no longer eligible for SSI benefits because of a change in definition of disability - §1902(a)(10)(A)(i)(II)(aa) ▪ Individuals under age 21 eligible for Medicaid in the month they apply for SSI - §1902(a)(10)(A)(i)(II)(cc) ▪ Disabled individuals whose earnings exceed SSI substantial gainful activity level - §1619(a) ▪ Disabled widows and widowers - §1634(b) §1939(a)(2)(C) ▪ Disabled adult children - §1634(c) §1939(a)(2)(D) ▪ Early widows/widowers - §1634(d) 	<p>SSI standards and methodologies</p> <p>SSI amount and NJ includes a state supplement</p>	Plan A	<p>(1) If receiving community-based MLTSS, then “HCBS – State Plan.”</p> <p>(2) If residing in a NF, ICF/ID, or other institutional setting, then “LTC.”</p> <p>3) If not (1) or (2), then “ABD.”</p>

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	Reporting MEG
	<p>§1939(a)(2)(E)</p> <ul style="list-style-type: none"> ▪ Individuals receiving mandatory state supplements - 42 CFR 435.130 ▪ Individuals eligible as essential spouses in December 1973 - 42 CFR 435.131 ▪ Institutionalized individuals who were eligible in December 1973 - 42 CFR 435.132 ▪ Blind and disabled individuals eligible in December 1973 - 42 CFR 435.133 ▪ Individuals who would be eligible except for the increase in OASDI benefits under Public Law 92-336 - 42 CFR 435.134 ▪ Individuals who become ineligible for cash assistance as a result of OASDI cost-of- living increases received after April 1977 - 42 CFR 435.135 ▪ Individuals ineligible for SSI or optional state supplement because of requirements that do not apply for Title XIX – 42 CFR 435.122 			
1619 (b)	<ul style="list-style-type: none"> ▪ Disabled individuals whose earnings are too high to receive SSI cash - §1619(b) 	Earned income is less than the threshold amount as defined by Social Security Unearned income is the SSI	Plan A	(1) If receiving community-based MLTSS, then “HCBS – State

New Jersey FamilyCare Comprehensive Demonstration
Demonstration Approval Period: August 1, 2017 through June 30, 2022
Amended October 31, 2017

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	Reporting MEG
		<p>amount The resource amount is the SSI limit of 2,000 for an individual and 3000 for a couple.</p>		<p>Plan.” (2) If residing in a NF, ICF/ID, or other institutional setting, then “LTC.” 3) If not (1) or (2), then “ABD.”</p>
New Jersey Care Special Medicaid Programs	<ul style="list-style-type: none"> ▪ Poverty level pregnant women - §1902(a)(10)(A)(i)(IV) §1902(l)(1)(A) ▪ Poverty level infants - §1902(a)(10)(A)(i)(IV) §1902(l)(1)(B) ▪ Poverty level children age 1-5 §1902(a)(10)(A)(i)(VI) §1902(l)(1)(C) ▪ Poverty level children age 6-18 - §1902(a)(10)(A)(i)(VII) §1902(l)(1)(D) ▪ Poverty level infants and children receiving inpatient services who lose eligibility because of age must be covered through an inpatient stay - §1902(e)(7) 	MAGI	Plan A	“Title XIX”

b. Medicaid State Plan Optional Groups

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
AFDC including Pregnant women	<ul style="list-style-type: none"> ▪ Individuals who are eligible for but not receiving IV-A, SSI or state supplement cash assistance - §1902(a)(10)(A)(ii)(I) ▪ Individuals who would have been eligible for IV-A cash assistance, SSI, or state supplement if not in a medical institution - §1902(a)(10)(A)(ii)(IV) 	MAGI	Plan A	“Title XIX”
Medicaid Special	<ul style="list-style-type: none"> ▪ All individuals under 21 who are not covered as mandatory categorically needy - §1902(a)(10)(A)(ii)(I) and (IV) §1905(a)(i) 	MAGI Medicaid Special limit for a family of two is \$805.	Plan A	“Title XIX”
SSI recipients	<ul style="list-style-type: none"> ▪ Individuals receiving only an optional state supp. 42 CFR 435.232 ▪ Individuals who meet the SSI requirements but do not receive cash – 42 CFR 	NJ state supplement only – determined annually and based on living arrangement Resources - SSI SSI methodology Income standard – SSI and SSI supplement	Plan A	_(1) If receiving community-based MLTSS, then “HCBS – State Plan.” (2) If residing in a NF, ICF/ID, or other institutional

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
	435.210 <ul style="list-style-type: none"> ▪ Individuals who would be eligible for cash if not in an institution – 42 CFR 435.211 	payment Resource: SSI		setting, then “LTC.” 3) If not (1) or (2), then “ABD.”
Institutional Medicaid	<p><i>Special income level group:</i> Individuals who are in a medical institution for at least 30 consecutive days with gross income that does not exceed 300% of the SSI income standard, or state-specified standard - §1902(a)(10)(A)(ii)(V)</p> <p><i>Hospice Group:</i> Individuals who are terminally ill, would be eligible if they were in a medical institution, and will receive hospice care - §1902(a)(10)(A)(ii)(VII)</p>	<p><i>Special income level group:</i> Income less 300% of SSI/Federal Benefit Rate (FBR) per month; Resources SSI Standard; Individuals must meet institutional LOC requirements</p> <p><i>Hospice Group:</i> Individuals Income less 300% of SSI/Federal Benefit Rate (FBR) per month. Resources SSI Standard</p>	Plan A	“LTC.”
New Jersey Care Special Medicaid Programs Pregnant Women and Children	<ul style="list-style-type: none"> ▪ Poverty level pregnant women not mandatorily eligible - §1902(a)(10)(A)(ii)(IX) §1902(l)(1)(A) 	MAGI for Pregnant women have income standards established at 194% FPL (plus a 5% disregard) and SCHIP	Plan A	“Title XIX”

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
	<ul style="list-style-type: none"> ▪ Poverty level infants not mandatorily eligible - §1902(a)(10)(A)(ii)(IX) §1902(l)(1)(B) ▪ Optional targeted low income children age 6-18 – 1902(a)(10)(A)(ii)(XIV) 	Pregnant women under MAGI have income standards established at 200% FPL (plus a 5% disregard).		
New Jersey Care Special Medicaid Programs ABD	<ul style="list-style-type: none"> ▪ Individuals receiving COBRA continuation benefits - §1902(a)(10)(F) 1902(u) ▪ Eligibility group only includes aged and disabled individuals - §1902(a)(10)(A)(ii)(X) ▪ Eligibility group included blind individuals – (1902)(r)(2). 	Income must be less than or equal to 100% FPL. Resources up to \$4,000 for individual, \$6,000 for couple	Plan A	<p>(1) If receiving community-based MLTSS, then “HCBS – State Plan.”</p> <p>(2) If residing in a NF, ICF/ID, or other institutional setting, then “LTC.”</p> <p>3) If not (1) or (2), then “ABD.”</p>
Chafee Kids	<ul style="list-style-type: none"> ▪ Children under age 26 who were in foster care on their 18th birthday – 1902(a)(10)(A)(ii)(XVII) 	Children 18 up to 26 who were in foster care at the age of 18. On their 18 th birthday must be in DCF out of home placement supported in whole or in part by public funds.	Plan A	“Title XIX”

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
		No income or resource test.		
Subsidized Adoption Services	<ul style="list-style-type: none"> ▪ Children under 21 who are under State adoption agreements - §1902(a)(10)(A)(ii)(VIII) 	Must be considered to have special needs	Plan A	“Title XIX”
Medically Needy Children and Pregnant Women	<ul style="list-style-type: none"> ▪ Individuals under 18 who would be mandatorily categorically eligible except for income and resources - §1902(a)(10)(C)(ii)(I) ▪ Pregnant women who would be categorically eligible except for income and resources - §1902(a)(10)(C)(ii)(II) ▪ Pregnant women who lose eligibility receive 60 days coverage for pregnancy-related and post-partum services - §1902(a)(10)(C) §1905(e)(5) 	<p>AFDC methodology – including spend down provision outlined in the state plan</p> <p>Income after spend down is equal to or less than \$367 for an individual, \$434 for a couple, two person household or pregnant woman, etc. Up to \$4,000 in resources allowed for an individual, \$6,000 for a couple</p>	Limited Plan A Services	“Title XIX”
Medically Needy Aged, Blind or Disabled	<ul style="list-style-type: none"> ▪ Medically Needy - §1902(a)(10)(C) ▪ Blind and disabled individuals eligible in December 1973 - 42 CFR 	<p>SSI methodology – including spend down provision outlined in the state plan</p> <p>Income after spend down</p>	Limited Plan A Services	(1) If residing in a NF, ICF/ID, or other institutional setting before implementation

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
	435.340	is equal to or less than \$367 for an individual, \$434 for a couple, two person household or pregnant woman, etc. Up to \$4,000 in resources allowed for an individual, \$6,000 for a couple		of Miller Trust, then “LTC.” 2) If not (1), then “ABD”
New Jersey WorkAbility	<ul style="list-style-type: none"> ▪ §1902(a)(10)(A)(ii)(XV) 	<p>Individual must be between the ages of 16 and 65, have a permanent disability, as determined by the SSA or DMAHS and be employed</p> <p>Countable unearned income (after disregards) up to 100% FPL, countable income with earnings up to 250% FPL; resources up to \$20,000 for an individual, \$30,000 for a couple</p>	Plan A	“ABD”
Breast and Cervical Cancer	<ul style="list-style-type: none"> ▪ §1902(a)(10)(A)(ii)(XVIII) 	Uninsured low income women under the age of 65 who have been screened at a NJ cancer education and early detection site and needs	Plan A	“ABD”

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
		treatment No Medicaid income or resource limit		
Title XXI Medicaid Expansion Children		The Medicaid expansion is for children 6 to 18 years of age whose family income is above 100 percent up to and including 142 percent of the FPL.	Plan A	"Title XXI Exp Child"
Qualified Income Trust	Individuals above the Special Income Limit receiving MLTSS or CCW services who have established and funded a Qualified Income Trust, or Miller Trust	Individual above 300% FBR. Income above 300% FBR placed in Qualified Income Trust. Resource limit \$2,000 for individual, \$3,000 for couple. Post-eligibility rules apply.	State plan services with additional waiver services	<u>HCBS 217-Like or LTC</u>

c. Expansion Eligibility Groups

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
Supports Program Expansion Group	Individuals over the age of 21, who live with a family member in their own home that is not licensed by the state and who are otherwise not eligible under the Medicaid State Plan due to income.	Income up to 300% of SSI/Federal Benefit Rate (FBR) per month; Resources SSI Standard; Individuals must meet Supports Program Functional LOC requirements Post-eligibility rules apply	Supports Expansion Plan A	
Children’s Support Services SED Expansion Group	Youth under age 21 at risk of hospitalization who have been diagnosed as seriously emotionally disturbed.	Income 150% FPL Resources SSI. Use financial institutional eligibility and post eligibility rules for individuals who would not be eligible in the community because of community deeming rules in the same manner that would be used under a 1915(c) waiver	HCBS services plus State Plan Behavioral Health Services (Children otherwise eligible for Medicaid will receive the full Medicaid benefit package + the three HCBS services)	

		program.		
Children's Support Services ID/DD Expansion Group	Health care related services for individuals age 0 through 21 who have intellectual/developmental disabilities and/or co-occurring mental illness, and who are otherwise not eligible under the Medicaid State Plan due to income.	Income up to 300% of SSI/Federal Benefit Rate (FBR) per month; Resources SSI Standard; Individuals must meet Functional LOC requirements as specified by the Department of Children and Families Post-eligibility rules apply	FamilyCare Plan A and CSSP ID/DD-MI services	

<p>Intellectual Developmental Disability Program for Out of State (IDD/OOS) New Jersey Residents</p>	<p>Individuals receiving out-of-state HCBS coordinated by DDD, and individuals ordered by a court to receive HCBS services in an out-of-state setting.</p>	<p>Individual must be determined functionally eligible having a developmental disability; substantial functional limitations in three or more major life activities identified by LOC assessment</p>	<p>Plan A</p>	
--	--	--	---------------	--

d. Expansion 217 –Like Eligibility Groups

NJ Program Name	Population Description and Statutory/Regulatory Citations	Standards and Methodologies	Service Package	MEG
217-like Existing .217 under HCBS	Special income level (SIL) group receiving HCBW-like or services. 42 CFR 435.217, 435.236 and 435.726 of and section 1924 of the Social Security Act, if the state had 1915(c) waivers	Income up to 300% of SSI/FBR Resources SSI Methodology SSI Use institutional eligibility and post eligibility rules for individuals who would only be eligible in the institution in the same manner as specified as if the state had 1915(c) waiver programs	State plan services with additional MLTSS	“HCBS – 217 Like”
217-like Existing .217 under HCBS	A subset of the aged and disabled (Aged and Disabled) poverty level group who would only be eligible in the institution and receive HCBW-like services. 42 CFR 435.217, 435.726, 1902(m) and section 1924 of the Social Security Act	Income up to 100% of FPL Resources SSI Methodology SSI Use institutional eligibility and post eligibility rules for individuals who would only be eligible in the institution in the same manner as if the state had 1915(c) waiver programs.	State plan services with additional MLTSS services.	“HCBS – 217 Like”

V. DEMONSTRATION PROGRAMS AND BENEFITS

Individuals affected by, or eligible under, the demonstration will receive benefits as specified in Attachment B, based on criteria as outlined in the Table A above. Individuals may receive additional benefits specifically authorized in demonstration expenditure authorities as described below.

27. FamilyCare Plan A. Individuals enrolled in FamilyCare Plan A receive Medicaid State Plan Services described in detail in Attachment B. New Jersey provides Personal Care Assistance, Medical Day and adult dental in its state plan package.

28. FamilyCare Plan B. Individuals enrolled in FamilyCare Plan B receive the Title XXI, benefit package, described in detail in Attachment B, for children and families with income between 133-150% FPL. Benefits provided under this package echo the benefits provided in Plan A.

29. FamilyCare Plan C. Individuals enrolled in FamilyCare Plan C receive the Title XXI benefit package described in detail in Attachment B, for children and families with income between 150-200% FPL. Benefits provided under this package echo the benefits provided in Plan A.

30. FamilyCare Plan D. This plan provides benefits as described in Attachment B to children and families with income between 200-350% FPL. Individuals enrolled in FamilyCare Plan D receive Title XXI benefits provided in this package echo the most widely sold commercial package in New Jersey.

31. NJFC Alternative Benefit Plan. New Jersey's FamilyCare ABP is for individuals in the New Adult Group, ages 21-64. The ABP provides medical and behavioral health services; including additional mental health and substance use disorder services. All Medicaid State Plan benefits are included. Services are provided via managed care with the exception of mental health and substance use disorder services, which are provided Fee-for-Service (FFS). There are no cost-sharing requirements in the ABP.

32. Managed Long Term Services and Supports Program. The MLTSS program provides home and community based services to elderly and disabled individuals through a managed care delivery system.

A. Operations: The administration of the MLTSS Program is through DMAHS in conjunction with the Division of Aging Services (DoAS), and the Division of Developmental Disability Services (DDS).

B. Eligibility:

I. Meets Nursing Facility (NF) Level of Care (LOC) defined as:

1) An adult (ages 21 and older) individual must be clinically eligible for MLTSS services when the individual's standardized assessment demonstrates that the individual satisfies any one or more of the following three criteria:

a. The individual:

i. Requires limited assistance or greater with three or

- more activities of daily living; and/or
 - ii. Exhibits problems with short-term memory and is minimally impaired or greater with decision making ability and requires supervision or greater with three or more activities of daily living; or
 - iii. Is minimally impaired or greater with decision making and, in making himself or herself understood, is usually understood or greater and requires supervision or greater with three or more activities of daily living.
- II. A child (ages birth through 20) must be clinically eligible for MLTSS services when:
 - 1) The child exhibits functional limitations, identified in terms of developmental delay or functional limitations in specific age-appropriate activities of daily living, requiring nursing care over and above routine parenting and meets one of the following nursing care criteria:
 - a. Medical and/or intense therapeutic services for the medically complex child who exhibits a severe illness that requires complex skilled nursing interventions 24 hours per day, seven days per week.
 - b. Skilled Nursing Services must be based upon, but not limited to, at least one of the following:
 - c. Dependence on mechanical ventilation
 - d. The presence of an active tracheostomy and the need for deep suctioning
 - e. The need for around-the-clock nebulizer treatments with chest physiotherapy
 - f. Gastrostomy feeding when complicated by frequent regurgitation and/or aspiration
 - g. A seizure disorder manifested by frequent prolonged seizures requiring emergency administration of anticonvulsant medication; or
 - 2) Medical and/or intense therapeutic services for the technology dependent child who requires a medical device that the Federal Food and Drug Administration has classified pursuant to 21 C.F.R. 860.3, as amended and supplemented, as a life-supporting or life-sustaining device that is essential to, or that yields information that is essential to, the restoration or continuation of a bodily function important to the continuation of human life.
 - a. These services must be provided if the life-supporting or life-sustaining device is necessary to compensate for the loss of a vital function, to avert death or further disability, and if the use of the device requires ongoing skilled nursing intervention.
- III. Meets all financial criteria listed for a MLTSS eligible Medicaid group

listed under Table A in accordance with the Medicaid State Plan or this waiver.

- IV. The individual must be receiving on a regular monthly basis at least one MLTSS service other than care management.

C. Exclusions:

- I. Individuals cannot be enrolled into the MLTSS program if they are enrolled in another HCBS program or the Community Care Program (CCP).
- II. Individuals may be disenrolled if they refuse to participate in any part of the program requirements, including but not limited to: quarterly face-to-face care management meetings and annual LOC assessments. Disenrolled individuals will be provided with a notice of containing information on the right to appeal.

D. Level of Care Assessment for Enrollees: The following procedures and policies must be applied to enrollees receiving MLTSS:

- I. An evaluation for LOC must be given to all applicants for whom there is reasonable indication that services may be needed by either the state or the MCO.
- II. The plans and the state will use the “NJ Choice” tool as the standardized functional assessment for determining a LOC.
- III. In addition to the NJ Choice tool, the state and the MCOs may also utilize the "Home and Community-Based Long Term Care Assessment" Form (CP-CM-1).
- IV. The state must perform the assessment function for individuals not presently enrolled in managed care. The MCO must complete the LOC assessment as part of its comprehensive needs assessment for its members and will forward to the state for final approval for those individuals determined to meet NF LOC.
- V. The MCOs must not fundamentally alter the nature of the NJ Choice tool when accommodating it to their electronic/database needs.
- VI. The MCOs and, or the state must perform functional assessments within 45 days of the time a referral is received.
- VII. All enrollees must be reevaluated at least annually or as otherwise specified by the state, as a contractual requirement by the MCO.
- VIII. Individuals in the Supports program who are in need of Private Duty Nursing services are to be assessed for NF LOC in the same manner as a MLTSS applicant, however, upon approval will only be able to access the private duty nursing benefit.
- IX. Individuals currently enrolled in the MTLSS program that are also determined eligible for the Supports Program may enroll in the Supports Program and access only the private duty nursing benefit from the MLTSS program without being reassessed until their annual reassessment date.

E. Enrollment in MLTSS: The effective date of enrollment in MLTSS must be

established by the state based on a determination that an applicant is eligible for and must begin receiving LTSS. Enrollment procedures differ depending on whether or not the individual is already enrolled in NJFC.

- F. Benefits/Services, Limitations, and Provider Specifications: Individuals enrolled in the Managed Long Term Services and Supports Program (MLTSS) receive all Medicaid State Plan services included in FamilyCare Plan A, including behavioral health, through their Medicaid MCO listed in Attachment B. This population also receives an additional Home and Community Based Services (HCBS) package of benefits, specifically authorized in demonstration expenditure authorities, listed in Attachment D. Individuals in an Assisted Living Facility at the time of Medicaid eligibility will have their MLTSS services paid FFS until MCO enrollment.
- G. Steering Committee. For a period of time, DMAHS will authorize a MLTSS Steering Committee that will include adequate representation of stakeholders. Additionally, the state's Medical Assistance Advisory Committee per 42 CFR 431.12 will include MLTSS representation.
- H. Money Follows the Person (MFP). The state will continue to operate its MFP demonstration program outside of the section 1115 demonstration. Under New Jersey's MFP program, the state will continue its responsibilities for developing transitional plans of services for enrollees. The MLTSS plans' responsibilities include:
 - I. Identifying enrollees who may be appropriate to transition from nursing homes;
 - II. Referring enrollees to state staff in the MFP office;
 - III. Providing ongoing care, case management and coordination when the enrollee returns to the community;
 - IV. The delivery of MLTSS, and
 - V. Reassessing the MFP participant prior to the 365th day in the MFP program and designating which HCBS services are the most appropriate.

33. Short term Nursing Facility Stays. Short term nursing facility stays are covered for individuals receiving HCBS FFS or Managed Long Term Services and Supports. Coverage of nursing facility care for up to no more than 180 days is available to a HCBS/MLTSS demonstration participant receiving home and community-based services upon admission who requires temporary placement in a nursing facility when such participant is reasonably expected to be discharged and to resume HCBS participation within no more than 180 days including situations when a participant needs skilled or rehabilitative services for no more than 180 days due either to the temporary illness of the participant or absence of a primary caregiver.

- A. Such HCBS/MLTSS demonstration participants must meet the nursing facility level of care upon admission, and in such case, while receiving short-term nursing facility care may continue enrollment in the demonstration pending discharge from the nursing facility within no more than 180 days or until such time it is determined that discharge within 180 days from admission is not likely to occur, at which time the

person must be transitioned to an institution, as appropriate.

- B. The community maintenance needs allowance must continue to apply during the provision of short-term nursing facility care in order to allow sufficient resources for the member to maintain his or her community residence for transition back to the community.

34. Supports Program. The Supports Program provides a basic level of support services to individuals who live with family members or who live in their own homes that are not licensed by the state.

- A. Operations: The administration of the program is through the Division of Developmental Disabilities (DDD).
- B. Eligibility:
 - 1. Are Medicaid eligible, or;
 - 2. QIT
 - 3. Individuals with income up to 300% of the SSI FBR;
 - 4. Are at least 21 years of age;
 - 5. Live in an unlicensed setting, such as on their own or with their family; and
 - 6. Meet all criteria for functional eligibility for DDD services including the following definition of “developmental disability”. Developmental disability is defined as: “a severe, chronic disability of an individual which:
 - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - b. Is manifest before age 22;
 - c. Is likely to continue indefinitely;
 - d. Results in substantial functional limitations in three or more of the following areas of major life activity, that is: self-care, receptive and expressive language, learning, mobility, self-direction capacity for independent living and economic self-sufficiency;
 - e. Reflects the need for a combination and sequences of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated; and
 - f. Includes but is not limited to severe disabilities attributable to intellectual disability, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met.”
- C. POC Referral. When it has been confirmed that a candidate has met all of the requirements for enrollment, DDD will refer the case to the appropriate support coordination provider for development of the participant's plan of care (PoC) and initiation of services.
- D. Exclusions: Individuals may not enroll in the Supports Program if:
 - 1. They are enrolled in another HCBS/MLTSS program, Children Support Services Program, the Out-of-State IDD programs, or the Community Care Program, except that individuals who require private duty nursing services may access only that service from the MLTSS program and still remain on the Supports program.
 - 2. They require institutional care and cannot be maintained safely in the community.

- E. Expenditure Cap. Participants in the program will have an individual expenditure cap per person per year that is based on functional assessment. This expenditure cap is reevaluated annually during development of the annual plan of care.
- F. Case Management. Every Participant will have access to Support Coordination (case management) which is outside of the expenditure cap. Every participant will have access (if they choose) to Financial Management Services (fiscal intermediary) if he/she chooses to self-direct services. This will also be outside of the expenditure cap.
- G. Bump-Up. This program also contains a unique feature whereby participants who experience a major change in life circumstances which results in a need for additional temporary services may be eligible to receive a short-term “bump up” in their expenditure cap. This “bump up” is capped at \$5,000 per participant. The bump up will be effective for up to one year. Participants may only seek bump up services once every three years. The services that may be purchased with bump up dollars are any services described in Attachment C under Supports Program, with the exception of the Day Program Related Services described above.
- H. Enrollment: All referrals for the Supports Program are screened by DDD to determine if the individual meets the target population criteria, is Medicaid eligible, meets LOC clinical criteria, is in need of support services, and participant’s needs can be safely met in the community. Individuals will be assessed for Medicaid eligibility and LOC clinical criteria and enrolled into the program in phases. When potential new participants are referred, they will be assessed for eligibility and enrolled based on availability of annual state budget allocations.
- I. Level of Care (LOC) Assessment: The participant has a developmental disability and substantial functional limitations in three or more major life activities.
- J. Assessment tool: DDD is in the process of streamlining their current multiple assessment instruments that will be used to assess clinical LOC and functional level for budget determination(s). A statement will be included certifying that an individual meets the functional criteria for DDD and is eligible for the Supports Program.
- K. LOC Reassessment: Reassessment will occur when there is a noted change in a participant’s functional level that warrants less supports. The initial LOC assessment is based on an individual being diagnosed with a developmental disability and substantial functional limitation in three or more major life activities. This is unlikely to change from year to year.
- L. Transition: If health and safety cannot be maintained for a participant on this program because s/he requires a higher level of services than are available, the IDT will make the recommendation and the participant will voluntarily disenroll from the program. The IDT will commence transition planning to identify service needs and necessary resources. Referrals will be made to all services, as applicable including the Community Care Program.
- M. Disenrollment: Participants will disenroll from the program if they lose Medicaid eligibility, choose to decline participation in the program, enroll on the CCW, no longer need support services, or no longer reside in New Jersey.
- N. Benefits/Services, Limitations, and Provider Specifications: In addition to NJFC Plan A services in Attachment B, Supports program participants receive the benefits outlined in

Attachment C.

O. Cost Sharing: See Attachment B.

P. Delivery System: Medicaid State Plan services for this population will be delivered and coordinated through their Medicaid MCO. HCBS services, described in Attachment C, are provided FFS and will be delivered either through providers that are enrolled as Medicaid providers and are approved by DDD or through non-traditional service providers that are approved by DDD and bill for services through a fiscal intermediary. Services can be either provider-managed, self-directed, or a combination thereof, as approved in the participant's Plan of Care.

35. Children's Support Services Program (CSSP) SED. This program provides behavioral health and home and community based services and supports to individuals under age 21, that have a serious emotional disturbance (SED) which places them at risk of hospitalization, out of home treatment or at hospital level of care.

A. Operations: The program is administered through the Department of Children and Families (DCF), Children's System of Care (CSOC) for individuals under 21 who have SED.

B. Eligibility/Benefits:

1. Individuals who are eligible for New Jersey Medicaid or CHIP State plan services and meet criteria for Department of Children and Families (DCF)/ Children's System of Care (CSOC) services will receive coverage for HCBS SED services listed in Attachment C following an assessment by the Administrative Services Organization (STC 47) and referral to the Care Management Organization (CMO) for development of a plan of care.
2. Individuals who are not eligible for New Jersey Medicaid or CHIP State plan services and who are at risk of hospitalization, out of home treatment or at hospital level of care, have household income up to 300% of FBR will receive coverage for services listed in Attachment C . State Plan Behavioral Health Services, and State Plan services (SED 217-Like), based on the individual's plan of care as developed by the CMO.
3. Individuals who are not eligible for New Jersey Medicaid or CHIP State plan services and who are at risk of hospitalization, have a household income up to 150% FPL, and meet criteria for Department of Children and Families (DCF)/Children's System of Care (CSOC) services will receive coverage for HCBS SED services listed in attachment D and State Plan Behavioral Health Services (SED-At Risk).

C. Exclusions. Individuals are not eligible for CSSP in the following circumstances:

1. The individual is not a resident of New Jersey
2. The family/caregiver(s) with authority to consent to treatment for the individual declines program services
3. Current assessment or other relevant information indicates that the individual can be safely maintained and effectively supported at a less intensive level of care
4. The behavioral symptoms are the result of a medical condition that warrants a medical setting formed and documented by the individual's

primary care physician and/or the Department of Children and Families (DCF)/Children's System of Care (CSOC) or its designee

5. For in-home services, the services and supports cannot be provided because the family/caregiver is unwilling or unable to comply with all program requirements
 6. The individual has a sole diagnosis of substance use and there is no identified, co-occurring emotional or behavioral disturbances consistent with the current version of Diagnostic and Statistical Manual of Mental Disorders (DSM)
 7. The individual's sole diagnosis is an Intellectual/Developmental Disability
- D. LOC Assessment: The Department of Children and Families (DCF)/Children's System of Care (CSOC) level of care will be reviewed at least annually using DCF/CSOC's criteria and the New Jersey DCF/CSOC's Information and Management Decision Support (IMDS) tools
- E. Disenrollment: An individual may be disenrolled from the program if:
1. The individual no longer is at risk of hospitalization, out of home treatment or at hospital level of care;
 2. The family/caregiver is unable or unwilling to implement the treatment plan developed by the CMO or fails to comply with the terms as outlined in the plan. Prior to disenrollment, the team will collaborate and make substantial efforts to ensure the individual's success in the program, working to remedy any barriers or issues that have arisen, including those involving family/caregiver cooperation with the treatment plan. An individual will only be disenrolled after significant efforts have been made to achieve success. If they will be disenrolled, the team will make recommendations and identify alternative local community and other resources for the individual prior to disenrollment;
 3. The individual's documented treatment plan goals and objectives have been met; or
 4. The individual is no longer a resident of New Jersey.
- F. Delivery System: Medicaid State Plan Services are delivered through the MCO. HCBS and behavioral health services are coordinated and authorized through the Department of Children and Families (DCF)/Children's System of Care's (CSOC) ASO. HCBS programs outlined in Attachment C will be delivered FFS.

36. Children's Support Services Program (I/DD). Program for individuals with intellectual/developmental disabilities (I/DD) provides home and community based services and supports to individuals under the age of 21 that meet Department of Children and Families (DCF)/Children's System of Care's (CSOC) functional eligibility criteria for individuals with I/DD meeting I/DD functional eligibility as defined by state and federal law and in this STC (functional eligibility criteria). Individuals may also have a co-occurring I/DD and mental health diagnosis (I/DD-MI).

A. Operations: The program is administered through the Department of Children and Families (DCF)/Division of Children's System of Care (CSOC).

B. Eligibility/Benefits:

- i. Individuals who are New Jersey Medicaid or CHIP-eligible with

- intellectual/ developmental disabilities (I/DD) under the age of 21 and meet the functional eligibility criteria are eligible for HCBS I/DD services listed in Attachment C and State Plan Services
- ii. Individuals who are not New Jersey Medicaid or CHIP-eligible with I/DD with income up to 300% of FBR and who meet the functional eligibility criteria are also eligible for services under the State Plan services and HCBS package
- C. Functional eligibility for developmental disability. To meet the functional eligibility criteria for I/DD, an individual must be diagnosed with a severe, chronic disability that:
- a. is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - b. is manifested before age 22;
 - c. is likely to continue indefinitely;
 - d. results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction capacity for independent living and economic self-sufficiency;
 - e. reflects the need for a combination and sequences of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated;
 - f. includes but is not limited to severe disabilities attributable to intellectual disability, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met.
 - g. Infants and young children. An individual from birth to age nine, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in (a) through (f), if the individual, without services and supports, has a high probability of meeting those criteria later in life.
- D. Exclusions:
- i. Individuals who are not residents of New Jersey are not eligible for CSSP (I/DD)
 - ii. Services that are provided under the individualized educational program are not covered under this demonstration
 - iii. For in-home services, these cannot be provided if the family/caregiver is unwilling or unable to comply with all program requirements.
- E. LOC Assessment as per STC 34 D.
- F. Disenrollment: An individual will be disenrolled from the program for the following reasons:
- 1. The family/caregiver declines participation or requests to be disenrolled from the program; or
 - 2. The family/caregiver is unable or unwilling to implement the treatment plan or fails to comply with the terms as outlined in the plan. Prior to

disenrollment, the team will collaborate and make substantial efforts to ensure the individual's success in the program, working to remedy any barriers or issues that have arisen, including those involving family/caregiver implementation of the treatment plan. An individual will only be disenrolled after significant efforts have been made to achieve success. If they will be disenrolled, the team will make recommendations and identify alternative Local community and other resources for the individual prior to disenrollment; or

3. The individual's documented treatment plan goals and objectives have been met; or
4. The individual is no longer receiving HCBS services; or
5. The individual is no longer a resident of New Jersey.

G. Delivery System: Medicaid State Plan and behavioral health services will be delivered through the individual's Medicaid MCO. HCBS and behavioral health services and supports are coordinated and authorized through the Department of Children and Families (DCF)/Children's System of Care's (CSOC) ASO and will be delivered FFS.

37. Intellectual Developmental Disability Program for Out of State (IDD/OOS) New Jersey Residents.

This program consists of individuals who receive out-of-state HCBS coordinated by DDD. Services claimed through this program will not duplicate services provided through a participant's educational entitlement or via the Rehabilitation Act. Other than the individuals currently living in an eligible out of state setting who will be enrolled onto the IDD/OOS program. The only additional demonstration participants who will be added to this program are those who DDD has been court-ordered to provide the services in an out-of-state setting.

- A. Operations: The administration of the IDD/OOS program is through the Division of Developmental Disabilities (DDD).
- B. Eligibility: An individual must be Medicaid eligible and meet all criteria for DDD eligibility for services. Specifically, an individual must be determined functionally eligible, based on a determination that they have a developmental disability and must apply for all other benefits for which he or she may be entitled. Developmental disability is defined as: "a severe, chronic disability of an individual which: (1) is attributable to a mental or physical impairment or combination of mental and physical impairments; (2) is manifested before age 22; (3) is likely to continue indefinitely; (4) results in substantial functional limitations in three or more of the following areas of major life activity, that is: self-care, receptive and expressive language, learning, mobility, self-direction capacity for independent living and economic self-sufficiency; (5) reflects the need for a combination and sequences of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated; and (6) includes but is not limited to severe disabilities attributable to intellectual disability, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met."

C. Exclusionary Criteria:

- i. Individuals who live in New Jersey;

New Jersey FamilyCare Comprehensive Demonstration

Demonstration Approval Period: August 1, 2017 through June 30, 2022

Amended October 31, 2017

- ii. Individuals who are enrolled in another HCBS program;
 - iii. Individuals who have declared residency in another state;
 - iv. Individuals who require institutional care and cannot be maintained safely in the community; and
 - v. Individuals who do not meet ICF/ID-DD level of care
- D. Enrollment: New enrollments in the IDD Out-of-State program will only include those demonstration participants who are currently residing in an eligible out of state setting or those individuals who are court ordered after the effective date of this program to receive services outside of New Jersey.
- E. LOC Assessment: The LOC criteria: The participant has substantial functional limitations in three or more major life activities, one of which is self-care, which require care and/or treatment in an ICF/ID-DD or alternatively, in a community setting. The LOC tool will be developed prior to the program being implemented.
- F. LOC Reassessment: The reassessment is made as part of the annual Service Plan for each participant. Functional assessment tools are utilized to confirm LOC assessment and to determine service needs. Goals and training in the Service Plan are based on the needs identified at the time of the reassessment.
- G. Transition: New individuals will not transition into this program, except per court order. Individuals will transition out of this program as outlined in Program Overview and Disenrollment. The majority of individuals transitioning out of this program will transition into community-based settings in New Jersey and will then be enrolled on the Community Care Program or the Supports Program.
- H. Disenrollment: An individual will be disenrolled from the program for the following reasons:
- i. Acceptable alternative services are identified in state and the individual is returned to New Jersey;
 - ii. Residency in the state in which they are currently receiving services can be established and/or the individual transfers to services funded by that state;
 - iii. An individual declines participation/requests to be disenrolled;
 - iv. The agency serving the individual notifies the individual and DDD (30 days advance notice is required) that they can no longer serve the individual for one of the following reasons:
 - 1) The individual's medical needs have increased and the provider is no longer able to manage their care;
 - 2) The individual's behaviors have escalated and the provider is no longer able to manage their care.
- I. Benefits: In addition to Medicaid State Plan services NJFC Plan A in Attachment B, this population receives HCBS service package of benefits designed to provide the appropriate supports to maintain the participants safely in the community.
- J. Delivery System: Medicaid State Plan and HCBS services are delivered through fee-for-service, coordinated by New Jersey's DDD. The state assures CMS that 100 percent of the payment to providers is maintained by the provider. The state must only claim its federal match rate for any out of state services rendered, based upon the federal match rate of NJ.

38. Community Care Program. This program is administered by the Division of Developmental Disabilities providing services and supports for individuals with developmental disabilities, who are Medicaid eligible and meet the Intermediate Care Facility (ICF/ID) level of care requirements, to aid them in living in the community setting. The state will be transitioning this program from its current operation under a 1915(c) waiver to the 1115(a) demonstration authority as a new program once the state has complete the transition process outlined in subparagraph A below.

- A. Requirements to Transition the Community Care Program from 1915(c) waiver to 1115(a) demonstration Authority: Transitioning the Community Care waiver into the NJFC 1115 demonstration will require the state to terminate the approved 1915(c) waiver before beginning to operate the program under 1115(a) authority as outlined below. The state must complete the following steps in the transition process.
1. As provided by 42 CFR 441.307, when the state elects to terminate the 1915(c) waiver prior to its expiration date, the state must notify CMS in writing, in the form of a waiver amendment, at least 30-days calendar in advance before terminating services to waiver participants (including to transition waiver participants to a new program under section 1115(a) authority).
 - a. Under the ‘purpose of the amendment’ the state should indicate that the waiver is being terminated and should indicate the termination date.
 - b. A transition plan should be included in Attachment #1. If phasing into another authority, this transition plan should be accounted for in the accepting authority.
 - c. If the state is phasing out the waiver, there should be a phase-out schedule, factor c should be adjusted/and or the phase out of slots should be addressed in the transition plan, and estimates in the applicable appendices must be updated.
 2. As provided in 42 CFR 431.210, the state must notify waiver participants at least 30 calendar days in advance of the change.
 3. The state must complete the full public notice process as required by federal regulations.

B. Eligibility:

- i. If the applicant is determined eligible for DDD services
- ii. If the applicant has and maintains Medicaid eligibility
- iii. If the applicant meets ICF/ID clinical level of care (LOC)
- iv. If the applicant comes to the top of the waiting list, is deemed an emergency, or is part of Olmstead
- v. If the applicant is not currently enrolled in another HCBS or MLTSS program

C. Exclusions:

- i. If the applicant is seeking enrollment solely to gain access to the Medicaid State Plan benefit.
- ii. If the applicant requires institutional care and cannot be maintained safely in

the community

- D. Enrollment: CCP participants must meet NJ DDD Eligibility criteria, clinical and financial eligibility criteria, are part of the target population, and require and receive at least one program service monthly. Additionally, participants need to sign the CCP Participant Agreement.
- E. Enrollment cap: In cases where the state determines, based on advance budget projections that it cannot continue to enroll CCP participants without exceeding the funding available for the program the State can establish an enrollment cap for the CCP.
 - 1. Notice - before affirmatively implementing the caps authorized in subparagraph (c), the state will notify CMS at least 60 days in advance. This notice will also include the impact on budget neutrality.
 - 2. Implementing the Limit - if the state imposes an enrollment cap, it will implement a waiting list whereby applicants will be added to the demonstration based on date of application starting with the oldest date. Should there be several applicants with the same application date, the state will enroll based on date of birth starting with the oldest applicant
 - 3. Outreach for those on the Wait Lists - the state will conduct outreach for those individuals who are on the CCP wait list for at least six months, to afford those individuals the opportunity to sign up for other programs if they are continuing to seek coverage. Outreach materials will remind individuals they can apply for Medicaid.
 - 4. Removing the Limit – the state will notify CMS in writing at least 30 days in advance when removing the limit.
- E. Level of care:
 - 1. LOC Assessment: The state will use the CMS approved and defined ICF-ID level of care to mean the recipient has been determined eligible for DDD services in accordance with N.J.A.C. 10:46 and has substantial functional limitations which require care and/or treatment in an ICF/ID or alternately, in a community program under the DDD Community Care Program.
 - 2. The responsibility of conducting the level of care evaluations and re-evaluations falls to DDD staff or Support Coordinators that meet the qualifications of a Qualified Intellectual/Developmental Disability Professional (QIDP) as defined in 42 CFR 483.430. The CMS approved LOC assessment is embedded in the NJ Comprehensive Assessment Tool (NJ CAT) and is completed by an informant knowledgeable with regard to the prospective program participant. This individual may include a family member or a paid caregiver who can best describe the abilities and needs of the individual. The completed tool is then reviewed by a QIDP to ensure the assessment is consistent with both the QIDP's observations and the skills/needs that are ultimately presented in the individual's Service Plan (Plan of Care).
 - 3. LOC Reassessment: The re-evaluation of LOC is completed by a QIDP annually as a result of reviewing the NJCAT questions related to level of care during the service planning (Plan of Care) process each year.
- F. Plan of Care: The assigned support coordinator/case manager works with the

- participants and/or their representative(s), a legal representative or an individual selected by the participant to act on his/her behalf, to develop a plan of care that addresses the participant's needs, and then coordinates the delivery of services with the providers. The Plan of Care describes: (a) the services that are furnished to the participant and their projected frequency; and (b) the other services (including state plan services and natural supports) that complement the HCBS under this program.
- G. Transition: There is not maximum age limit for this program.
- H. Disenrollment:
1. The enrollee requests to dis-enroll;
 2. The enrollee chooses to enroll in another HCBS Program or MLTSS;
 3. The enrollee no longer meets the ICF/ID level of care criteria;
 4. The enrollee has not maintained compliance with the CCP Participant Agreement;
 5. The enrollee no longer meets the income requirements;
 6. The enrollee becomes incarcerated or is placed in an institutional placement;
 7. The enrollee no longer resides in New Jersey;
 8. Death of the enrollee.
- I. Benefits/Services, Limitations, and Provider Specifications: In addition to Plan A services in Attachment B, Community Care program participants receive the benefits outlined in Attachment C.
- J. Delivery System:
1. Prior to transition to MLTSS: All state plan services and behavior health services will be delivered through a Medicaid MCO.
 2. After Transition to MTLSS: Should the state choose to transition the CCP services to MLTSS, the state will submit an amendment request and transition plan, in accordance with STC 7 to CMS for review and approval.
- K. Payment: Payment for the CCP will remain under a Fee for Service Payment System, until such time as the state chooses to transition the CCP services to MLTSS, at which time the state will submit an amendment request and transition plan, in accordance with STC 7 to CMS for review and approval.

39. **Autism Spectrum Disorder (ASD) Program**. The state will submit a state plan amendment to incorporate services provided under this program into its Medicaid State plan. Expenditure Authority for this program, under the demonstration will expire once the state plan amendment is effective. Any conforming changes required to the STCs, as a result, will not require an amendment.
- A. Program Overview: This program is intended to provide NJFC/Medicaid eligible children with needed therapies that they are unable to access via the state plan that are available to other children via private health insurance. The state will provide children up to their 13th birthday who have a diagnosis of Autism Spectrum Disorder (ASD), with habilitation services. Through the assessment process, ASD participants will be screened by DCF to determine eligibility, LOC, and to determine their level of need. Those with the highest need will receive up to \$27,000 in services; those with moderate needs will receive up to \$18,000 in services and the lowest needs participants will receive \$9,000 in ASD

services. If the participant's needs change at any time, she/he can be reassessed to determine the current acuity level and the service package would be adjusted accordingly. Services will be coordinated and managed through the participant's Plan of Care, as developed by the Care Managers with the Medicaid MCOs.

- B. Eligibility: Children up to their 13th birthday who are eligible for either the New Jersey Medicaid or CHIP programs and have a ASD diagnosis covered under the *DSM V* as determined by a medical doctor, doctor of osteopathy, or Ph.D. psychologist using an approved assessment tool referenced below:
1. Approved Assessment Tools include:
 - a. ABAS – Adaptive Behavior Assessment System II
 - b. CARS – Childhood Autism Rating Scale
 - c. DDRT – Developmental Disabilities Resource Tool
 - d. GARS – Gilliam Autism Rating Scale
 - e. ADOS – Autism Diagnostic Observation Scale
 - f. ADI – Autism Diagnostic Interview-Revised
 - g. ASDS – Asperger's Syndrome Diagnostic Scale
 2. Meet the ICF/ID level of care criteria
- C. Exclusions:
1. Individuals over the age of 13
 2. Individuals without an ASD diagnosis
 3. Children with private insurance that offers these types of benefits, whether or not they have exhausted the benefits.
- D. Enrollment: Potential ASD program participants are referred to DCF for screening and assessment. Once a child has been determined to have an ASD and assessed for LOC clinical eligibility and acuity level by DCF, she/he will be referred to DMAHS for enrollment onto the demonstration.
- E. Enrollment Cap: In cases where the state determines, based on advance budget projections that it cannot continue to enroll ASD Program participants without exceeding the funding available for the program the state can establish an enrollment cap for the ASD Program.
1. *Notice* - before affirmatively implementing the caps authorized in subparagraph (e), the state must notify CMS at least 60 days in advance. This notice must also include the impact on budget neutrality.
 2. *Implementing the Limit* - if the state imposes an enrollment cap, it will implement a waiting list whereby applicants will be added to the demonstration based on date of application starting with the oldest date. Should there be several applicants with the same application date, the state will enroll based on date of birth starting with the oldest applicant
 3. *Outreach for those on the Wait Lists* - the state will conduct outreach for those individuals who are on the ASD Program wait list for at least 6 months, to afford those individuals the opportunity to sign up for other programs if they are continuing to seek coverage. Outreach materials will remind individuals they can apply for Medicaid.
 4. *Removing the Limit* – the state must notify CMS in writing at least 30 days in advance when removing the limit.

- F. LOC Criteria: The participant has substantial functional limitations in three or more major life activities, one of which is self-care, which require care and/or treatment in an ICF/ID or alternatively, in a community setting. The substantial functional limitations must be evaluated according to the expectations based upon the child's chronological age. When evaluating very young children, a showing of substantial functional limitations in two or more major life activities can be enough to qualify the child, due to the lack of relevance of some of the major life activities to young children (e.g., economic sufficiency).
 - 1. *LOC Assessment*: Administration, by a licensed clinical professional approved and/or employed by the state, of the assessment tool to be developed by the state prior to implementation will be used to determine ICF/ID LOC will be performed prior to enrollment into the program and a minimum of annually thereafter.
 - 2. *LOC Reassessment*: A reassessment will be conducted a minimum of annually and will use the same tool.
- G. Transition: The services offered under this program are targeted for young children. When a child in the demonstration reaches 12 years of age, transition planning will be initiated by the Interdisciplinary Team and the Medicaid MCO to identify service needs and available resources, support the participant, and maintain health and safety. Referrals will be made to all services as applicable. Should an individual require continued HCBS services, enrollment will be facilitated to other programs.
- H. Disenrollment: A participant will be disenrolled from the demonstration for the following reasons:
 - 1. Age out at age 13
 - 2. Participant is deemed no longer in need of services, as per the reassessment process.
 - 3. Loss of NJFC/Medicaid eligibility
 - 4. Participant no longer resides in New Jersey
- I. Benefits/Services, Limitations, and Provider Qualifications: In addition to Medicaid and CHIP State Plan services listed in Attachment B, this demonstration population receives an ASD service package of benefits. The full list of services may be found in Attachment C. Services rendered in a school setting are not included in this program.
- J. Cost sharing: See Attachment B.
- K. Delivery System: All state plan and ASD services for this population will be delivered and coordinated through their Medicaid MCO. Behavioral health services will be delivered and coordinated through the children's ASO. The Plan of Care will be developed and overseen by the Medicaid MCOs care management staff.

40. Opioid Use Disorder (OUD)/Substance Use Disorder (SUD) Program. Effective upon CMS' approval of the SUD Implementation Protocol, the demonstration benefit package for New Jersey Medicaid recipients will include OUD/SUD treatment services, including services provided in residential and inpatient treatment settings that qualify as an Institution for Mental

Disease (IMD), which are not otherwise matchable expenditures under section 1903 of the Act. The state will be eligible to receive FFP for New Jersey Medicaid recipients residing in IMDs under the terms of this demonstration for coverage of medical assistance and OUD/SUD benefits that would otherwise be matchable if the beneficiary were not residing in an IMD. Under this demonstration, beneficiaries will have access to high quality, evidence-based OUD and other SUD treatment services ranging from acute withdrawal management to on-going chronic care for these conditions in cost-effective settings while also improving care coordination and care for comorbid physical and mental health conditions.

The coverage of OUD/SUD residential treatment and withdrawal management in IMDs will expand New Jersey’s current SUD benefit package available to all New Jersey Medicaid recipients as outlined in Table B. Room and board costs are not considered allowable costs for residential treatment service providers unless they qualify as inpatient facilities under section 1905(a) of the Act.

Table B: New Jersey OUD/SUD Benefits Coverage with Expenditure Authority

SUD Benefit	Medicaid Authority	Expenditure Authority
Early Intervention (Screening, Brief Intervention and Referral to Treatment)	State plan (Individual services covered)	
Outpatient Services	State plan (Individual services covered)	
Intensive Outpatient Services	State plan (Individual services covered)	
Partial Care Services	State plan (Individual services covered)	
Residential Treatment	State plan (Individual services covered)	Services provided to individuals in IMDs
Withdrawal Management	State plan	Services provided to individuals in IMDs
Medication-Assisted Treatment (MAT)	State plan	Services provided to individuals in IMDs
Peer Support (including Parent/Family Peer Support)	State plan	Services provided to individuals in IMDs

Targeted Case Management	State plan	Services provided to individuals in IMDs
--------------------------	------------	--

- A. **SUD Implementation Protocol.** The state must submit a SUD Implementation Protocol within 90 calendar days after approval of the SUD program under this demonstration. The state may not claim FFP for services provided in IMDs until CMS has approved the Implementation Protocol. Once approved, the Implementation Protocol will be incorporated into the STCs, as Attachment N, and once incorporated, may be altered only with CMS approval. After approval of the Implementation Protocol, FFP will be available prospectively, not retrospectively. Failure to submit an Implementation Protocol or failure to obtain CMS approval will be considered a material failure to comply with the terms of the demonstration project as described in 42 CFR 431.420(d) and, as such, would be grounds for termination or suspension of the SUD program under this demonstration. Failure to progress in meeting the milestone goals agreed upon by the state and CMS will result in a funding deferral.

At a minimum, the SUD Implementation Protocol will describe the strategic approach and detailed project implementation plan, including timetables and programmatic content where applicable, for meeting the following milestones which reflect the key goals and objectives of the SUD component of this demonstration program:

- i. **Access to Critical Levels of Care for OUD and other SUDs:** Service delivery for new benefits, including residential treatment and withdrawal management, within 12-24 months of OUD/SUD program demonstration approval;
- ii. **Use of Evidence-based SUD-specific Patient Placement Criteria:** Establishment of a requirement that providers assess treatment needs based on SUD-specific, multidimensional assessment tools, such as the American Society of Addiction Medicine (ASAM) Criteria or other comparable assessment and placement tools that reflect evidence-based clinical treatment guidelines within 12-24 months of OUD/SUD program demonstration approval;
- iii. **Patient Placement:** Establishment of a utilization management approach such that beneficiaries have access to SUD services at the appropriate level of care and that the interventions are appropriate for the diagnosis and level of care, including an independent process for reviewing placement in residential treatment settings within 12-24 months of SUD program demonstration approval;
- iv. **Use of Nationally Recognized SUD-specific Program Standards to set Provider Qualifications for Residential Treatment Facilities:** Currently, residential treatment service providers must be a licensed organization, pursuant to the residential service provider qualifications described in New Jersey Administrative Code and the New Jersey Medicaid state plan. The state will establish residential treatment provider qualifications in licensure, policy or provider manuals, managed care contracts or credentialing, or other requirements or guidance that meet program standards in the ASAM Criteria or other comparable, nationally recognized, SUD-specific program standards regarding in particular the types of services, hours of clinical care, and credentials of staff for

- residential treatment settings within 12-24 months of SUD program demonstration approval;
- v. **Standards of Care:** Establishment of a provider review process to ensure that residential treatment providers deliver care consistent with the specifications in the ASAM Criteria or other comparable, nationally recognized SUD program standards based on evidence-based clinical treatment guidelines for types of services, hours of clinical care, and credentials of staff for residential treatment settings within 12-24 months of SUD program demonstration approval;
 - vi. **Standards of Care:** Establishment of a requirement that residential treatment providers offer MAT on-site or facilitate access to MAT off-site within 12-24 months of SUD program demonstration approval;
 - vii. **Sufficient Provider Capacity at each Level of Care including Medication Assisted Treatment for OUD:** An assessment of the availability of providers in the key levels of care throughout the state, or in the regions of the state participating under this demonstration, including those that offer MAT within 12 months of SUD program demonstration approval;
 - viii. **Implementation of Comprehensive Treatment and Prevention Strategies to Address Opioid Abuse and OUD:** Implementation of opioid prescribing guidelines along with other interventions to prevent prescription drug abuse and expand access to naloxone;
 - ix. **SUD Health IT Plan:** Implementation of the milestones and metrics as detailed in STC 40(I); and
 - x. **Improved Care Coordination and Transitions between levels of care:** Establishment and implementation of policies to ensure residential and inpatient facilities link beneficiaries with community-based services and supports following stays in these facilities within 24 months of SUD program demonstration approval.

B. **SUD Monitoring Protocol.** The state must submit a SUD Monitoring Protocol within 150 calendar days after approval of SUD program under this demonstration. The SUD Monitoring Protocol must be developed in cooperation with CMS and is subject to CMS approval. Once approved, the SUD Monitoring Protocol will be incorporated into the STCs, as Attachment O. At a minimum, the SUD Monitoring Plan Protocol will include reporting relevant to each of the program implementation areas listed in STC 40(A). The protocol will also describe the data collection, reporting and analytic methodologies for performance measures identified by the state and CMS for inclusion. The SUD Monitoring Protocol will specify the methods of data collection and timeframes for reporting on the state's progress on required measures as part of the general reporting requirements described in STC 67 of the demonstration. In addition, for each performance measure, the SUD Monitoring Protocol will identify a baseline, a target to be achieved by the end of the demonstration and an annual goal for closing the gap between baseline and target expressed as percentage points. Where possible, baselines will be informed by state data, and targets will be benchmarked against performance in best practice settings. CMS will closely monitor demonstration spending on services in IMDs to ensure adherence to budget neutrality requirements.

C. **Mid-Point Assessment.** The state must conduct an independent mid-point assessment between DYs 7 and 8 of the demonstration. The assessor must collaborate with key stakeholders, including representatives of MCOs, SUD treatment providers, beneficiaries, and other key partners in the design, planning and conducting of the mid-point assessment. The assessment will include an examination of progress toward meeting each milestone and timeframe approved in the SUD Implementation Protocol, and toward closing the gap between baseline and target each year in performance measures as approved in the SUD Monitoring Protocol. The assessment will also include a determination of factors that affected achievement on the milestones and performance measure gap closure percentage points to date, and a determination of selected factors likely to affect future performance in meeting milestones and targets not yet met and about the risk of possibly missing those milestones and performance targets. The mid-point assessment will also provide a status update of budget neutrality requirements. For each milestone or measure target at medium to high risk of not being met, the assessor will provide, for consideration by the state, recommendations for adjustments in the state’s implementation plan or to pertinent factors that the state can influence that will support improvement. The assessor will provide a report to the state that includes the methodologies used for examining progress and assessing risk, the limitations of the methodologies, its determinations and any recommendations. A copy of the report will be provided to CMS. CMS will be briefed on the report.

For milestones and measure targets at medium to high risk of not being achieved, the state will submit to CMS modifications to the SUD Implementation Protocol and SUD Monitoring Plan Protocols for ameliorating these risks subject to CMS approval.

- D. **Deferral for Insufficient Progress Towards Milestones and Failure to Report Measurement Data.** If the state does not demonstrate sufficient progress on milestones, as specified in the Implementation Protocol Implementation Protocol, as determined by CMS, or fails to report data as approved in the Monitoring Protocol Monitoring Protocol, CMS will defer funds in the amounts specified in STC 63 for each incident of insufficient progress or failure to report in each reporting quarter.
- E. **SUD Evaluation.** The SUD Evaluation will be subject to the same requirements as the overall demonstration evaluation, as listed in sections X General Reporting Requirements and XII Evaluation of the Demonstration of the STCs.
- F. **SUD Evaluation Design.** The state must submit, for CMS review and approval, a revision to the Evaluation Design to include the SUD program, no later than one hundred twenty (120) days after the effective date of these amended STCs. Failure to submit an acceptable and timely evaluation design along with any required monitoring, expenditure, or other evaluation reporting will subject the state to a \$5 million deferral. The state must use an independent evaluator to design the evaluation.
- i. **Evaluation Design Approval and Updates.** The state must submit a revised draft Evaluation Design within sixty (60) days after receipt of CMS’ comments. Upon

CMS approval of the draft Evaluation Design, the document will be included as an attachment to these STCs. Per 42 CFR 431.424(c), the state will publish the approved Evaluation Design within thirty (30) days of CMS approval. The state must implement the evaluation design and submit a description of its evaluation implementation progress in each of the Quarterly Reports and Annual Reports, including any required Rapid Cycle Assessments specified in these STCs.

- ii. Evaluation Questions and Hypotheses Specific to SUD Program. The state must follow the general evaluation questions and hypotheses requirements as specified in STC 77. In addition, hypotheses for the SUD program should include an assessment of the objectives of the SUD component of this section 1115 demonstration, to include (but is not limited to): initiation and compliance with treatment, utilization of health services (emergency department and inpatient hospital settings), and a reduction in key outcomes such as deaths due to overdose.

G. SUD Health Information Technology (Health IT). The state will provide CMS with an assurance that it has a sufficient health IT infrastructure/”ecosystem” at every appropriate level (i.e. state, delivery system, health plan/MCO and individual provider) to achieve the goals of the demonstration—or it will submit to CMS a plan to develop the infrastructure/capabilities. This “SUD Health IT Plan,” or assurance, will be included as a section of the state’s “Implementation Plan” (see STC 40(A)) to be approved by CMS. The SUD Health IT Plan will detail the necessary health IT capabilities in place to support beneficiary health outcomes to address the SUD goals of the demonstration. The plan will also be used to identify areas of SUD health IT ecosystem improvement.

- a. The SUD Health IT section of the Implementation plan will include implementation milestones and dates for achieving them (see Attachment N).
- b. The SUD Health IT Plan must be aligned with the state’s broader State Medicaid Health IT Plan (SMHP) and, if applicable, the state’s Behavioral Health (BH) “Health IT” Plan.
- c. The SUD Health IT Plan will describe the state’s goals, each DY, to enhance the state’s prescription drug monitoring program’s (PDMP)¹
- d. The SUD Health IT Plan will address how the state’s PDMP will enhance ease of use for prescribers and other state and federal stakeholders.² This will also include plans to include PDMP interoperability with a statewide, regional or local Health Information Exchange. Additionally, the SUD Health IT Plan will describe ways in which the state will support clinicians in consulting the PDMP prior to prescribing a controlled substance—and reviewing the patients’ history of controlled substance prescriptions—prior to the issuance of a Controlled Substance Schedule II (CSII) opioid prescription.

¹ Prescription drug monitoring programs (PDMP) are electronic databases that track controlled substance prescriptions in states. PDMPs can provide health authorities timely information about prescribing and patient behaviors that contribute to the “opioid” epidemic and facilitate a nimble and targeted response.

² *Ibid.*

- e. The SUD Health IT Plan will, as applicable, describe the state’s capabilities to leverage a master patient index (or master data management service, etc.) in support of SUD care delivery. Additionally, the SUD Health IT Plan must describe current and future capabilities regarding PDMP queries—and the state’s ability to properly match patients receiving opioid prescriptions with patients in the PDMP. The state will also indicate current efforts or plans to develop and/or utilize current patient index capability that supports the programmatic objectives of the demonstration.
- f. The SUD Health IT Plan will describe how the activities described in (a) through (e) above will support broader state and federal efforts to diminish the likelihood of long-term opioid use directly correlated to clinician prescribing patterns.³
- g. In developing the Health IT Plan, states shall use the following resources.
 - i. States may use resources at Health IT.Gov (<https://www.healthit.gov/playbook/opioid-epidemic-and-health-it/>) in “Section 4: Opioid Epidemic and Health IT.”
 - ii. States may also use the CMS 1115 Health IT resources available on “Medicaid Program Alignment with State Systems to Advance HIT, HIE and Interoperability” at <https://www.medicare.gov/medicaid/data-and-systems/hie/index.html>. States should review the “1115 Health IT Toolkit” for health IT considerations in conducting an assessment and developing their Health IT Plans.
 - iii. States may request from CMS technical assistance to conduct an assessment and develop plans to ensure they have the specific health IT infrastructure with regards to PDMP plans and, more generally, to meet the goals of the demonstration
- h. The state will include in its monitoring Plan (see STC 40(B)) an approach to monitoring its SUD Health IT Plan which will include performance metrics provided by CMS or State defined metrics to be approved in advance by CMS.
- i. The state will monitor progress, each DY, on the implementation of its SUD Health IT Plan in relationship to its milestones and timelines—and report on its progress to CMS in an addendum to its Annual Reports (see STC 68).
- j. As applicable, the state should advance the standards identified in the ‘Interoperability Standards Advisory—Best Available Standards and Implementation Specifications’ (ISA) in developing and implementing the state’s SUD Health IT policies and in all related applicable State procurements (e.g., including managed care contracts) that are associated with this demonstration.
 - i. Where there are opportunities at the state- and provider-level (up to and including usage in MCO or ACO participation agreements) to leverage federal funds associated with a standard referenced in 45 CFR 170 Subpart B, the state should use the federally-recognized standards, barring another compelling state interest.
 - ii. Where there are opportunities at the state- and provider-level to leverage

³ Shah, Anuj, Corey Hayes and Bradley Martin. *Characteristics of Initial Prescription Episodes and Likelihood of Long-Term Opioid Use — United States, 2006–2015*. MMWR Morb Mortal Wkly Rep 2017;66.

federal funds associated with a standard not already referenced in 45 CFR 170 but included in the ISA, the state should use the federally-recognized ISA standards, barring no other compelling state interest.

VI. COST SHARING

41. Cost Sharing. Cost sharing imposed upon individuals enrolled in the demonstration is consistent with the provisions of the approved state plan. There is no cost sharing for Medicaid. Children enrolled in CHIP with family income between 150-200% FPL are required to pay co-payments. Children enrolled in CHIP with family income between 200-350% FPL are required to pay premiums and co-payments. Cost sharing for the Medicaid and CHIP programs are reflected in Attachment B. Notwithstanding Attachment B, all cost sharing for state plan populations must be in compliance with Medicaid and CHIP requirements that are set forth in statute, regulation and polices. In addition, aggregate cost sharing imposed on any individual adult demonstration participant on an annual basis must be limited to five percent of the individual's aggregate family income.

VII. TITLE XXI PREMIUM SUPPORT PROGRAM (PSP)

42. Program Overview. The PSP is designed to cover individuals eligible for NJFC (and under certain conditions, non-eligible family members) who have access to cost effective employer-sponsored health plans. Some uninsured families have access to health insurance coverage through an employer, but have not purchased the coverage because they cannot afford the premiums. Assistance is provided in the form of a direct reimbursement to the beneficiary for the entire premium deduction, or a portion thereof, required for participation in the employer-sponsored health insurance plan. Beneficiaries are reimbursed on a regular schedule, to coincide with their employer's payroll deduction, so as to minimize any adverse financial impact on the beneficiary.

- a. Eligibility Requirements: Parents and/or their children must be determined eligible for NJFC Plan B, C, or D in order to participate in the PSP. If the PSP unit determines that the parents have a cost-effective employer-sponsored plan available to them, the parents must enroll in the plan as a condition of participation in the NJFC program. The PSP will reimburse the premiums for the non-eligible family members only if it is cost-effective in the aggregate. Children and parents must *not* have had coverage under a group health plan for three months prior to enrollment in the PSP. If proven cost effective, family members are required to enroll in ESI as their primary healthcare plan rather than direct state plan coverage.
 - i. Benefit Package: NJ's FamilyCare Plan D mirrors the benchmark health plan offered through an HMO with the largest commercial, non-Medicaid enrollment in the state. If the employer's health plan is not equal to Plan D, then the state provides wraparound services for children and adults through its managed care organizations. "Wraparound service" means any service

that is not covered by the enrollee's employer plan that is an eligible service covered by NJFC for the enrollee's category of eligibility. Assurances to that effect will also be inserted in the Managed Care contract.

- b. Process for Benefit Analysis: If an uninsured parent has access to employer-sponsored insurance, the PSP Unit evaluates the application and assesses the employer's plan and a description of the benefits covered by the employer's plan. The PSP reviews the employer's response and compares the services to NJFC services, taking into account any limitations on coverage.
- c. Cost Sharing: Premiums and co-payments vary under employer-sponsored plans regardless of FPL, but cost sharing is capped at 5 percent of the individual or family's gross income. This protection applies equally to parents enrolled in NJFC Plan B, C, or D and to parents enrolled in an employer-sponsored plan through the PSP.
 - i. The PSP will reimburse the beneficiary for the difference between the NJFC/PSP co-payment amount and that of the employer-sponsored plan co-payment amount. For example, if the NJFC/PSP co-payment amount for a physician's office visit is \$5.00 and the employer-sponsored plan co-pay charge is \$15.00 for the same service, the PSP will reimburse the beneficiary the difference in excess of the NJFC/PSP co-payment amount (\$10.00).
 - ii. When the 5 percent limit is reached for the year, the parent's NJFC identification card is revised to indicate that no cost sharing can be imposed for the rest of the calendar year.
 - iii. If the PSP participant makes an out-of-pocket payment after the 5 percent limit is reached, any additional charges submitted to the PSP for the remainder of the calendar year are reimbursed at 100 percent as long as the parent submits proof of additional expenses.
 - iv. Parents may also request that the PSP notify medical service providers that a voucher can be submitted to the PSP for any cost sharing charges for the remainder of the year.
- d. Employer Contribution: Each plan must provide an employer contribution amount as required under 2105(c)(3). The amount will not be specified by the state and can vary by plan. The contribution amount may range from 5% to 100%.
- e. Cost Effectiveness Test
 - i. Cost-effectiveness must be determined in the aggregate by comparing the cost of all eligible family members' participation in the NJFC program against the total cost to the state, including administrative costs, (e.g. Office of Premium Support and Office of Information Technology staff, as well as phone, postage,

computers, and printers), of reimbursing eligible members for their employer-sponsored insurance. The amounts used for the calculations must be derived from actuarial tables used by the NJFC program and actual costs reported by the employee/employer during the processing of the Premium Support Program (PSP) application.

- ii. The cost of the employer-sponsored plans must be determined by totaling the amount of the employee's premiums plus the actuarial value of all "wraparound" services, if applicable, minus any NJFC premium contributions owed the state under the CHIP state plan.
- iii. As a condition of PSP approval, the result of the cost-effectiveness test in the aggregate must indicate a cost savings difference of, at a minimum, five percent between what the state would pay for the beneficiaries' participation in the employer-sponsored health plan vs. what the state would pay for their participation in the NJFC program alone.
- iv. If the employer-sponsored plans are determined by the Division to be cost-effective in the aggregate in accordance with (i) above, the applicants must participate in the PSP. If the employer-sponsored plan is determined not cost-effective, in accordance with (i) above, the beneficiary will continue to participate solely in the NJFC program.

VIII. DELIVERY SYSTEM

- 43. Overview.** This demonstration allows the state to mandate mandatory enrollment into managed care to receive certain benefits. Some Family Planning services, behavioral health services and HCBS services are provided FFS. This section describes how the state operates the various delivery systems and specific requirements for the implementation programs authorized under this demonstration. Benefits are delivered through the following delivery systems:
 - A. Fee-for-Service (FFS);
 - B. Primary Managed Care Organization;
 - C. Managed Long Term Services and Supports; and
 - D. A Behavioral Health Organization (Administrative Services Organization)
- 44. HCBS Fee-for-Service Programs.** Home and community based services are provided FFS for the following demonstration programs as described in Attachment C. Enrollees are allowed to be enrolled in one of the HCBS FFS program at a time; unless otherwise specified in these STCs:
 - A. Supports Program
 - B. Children Supports Services Program SED
 - C. Children Supports Services Program ID/DD
 - D. Persons Intellectual Developmental Disabilities who live out of state (IDD/OOS)

- E. Adults with Intellectual Disabilities and Mental Illness (IDD/MI)
- F. Community Care Program
- G. Autism Spectrum Disorder

45. Network Adequacy and Access Requirements. The state must ensure that the fee-for-service network complies with network adequacy and access requirements, including that services are delivered in a culturally competent manner that is sufficient to provide access to covered services to the low-income population. Providers must meet standards for timely access to care and services, considering the urgency of the service needed.

- A. Accessibility to primary health care services will be provided at a location in accordance at least equal to those offered to the Medicaid fee-for-service participants.
- B. Primary care and Urgent Care appointments will be provided at least equal to those offered to the Medicaid fee-for-service participants.
- C. Specialty care access will be provided at least equal to those offered to the Medicaid fee-for-service participants.
- D. FFS providers must offer office hours at least equal to those offered to the Medicaid fee-for-service participants.
- E. The state must establish mechanisms to ensure and monitor provider compliance and must take corrective action when noncompliance occurs.
- F. The state must establish alternative primary and specialty access standards for rural areas in accordance with the Medicaid State Plan.

46. Provider Credentialing. The provider credentialing criteria are included for each separate service as outlined in Attachment C. To assure the health and welfare of the demonstration participants, the state verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to furnishing services. The state also monitors non-licensed/non-certified providers to assure adherence to other standards prior to their furnishing services.

47. Non-duplication of Services. HCBS will not duplicate services included in an enrollee's Individualized Education Program under the Individuals with Disabilities Education Act, or services provided under the Rehabilitation Act of 1973.

48. Managed Care Delivery Systems.

- A. **Applicability of Managed Care Requirements to Populations Affected by and Eligible Under the Demonstration.** All populations affected by, or eligible under the demonstration that receive state plan benefits (Attachment B) are enrolled in managed care organizations that comply with the managed care regulations published at 42 CFR 438 to receive such benefits, except as expressly waived or specified as not applicable to an expenditure authority. Capitation rates must be developed and certified as actuarially sound, in accordance with 42 CFR 438.6. The certification must identify historical utilization of state plan and Long Term Services

and Supports (LTSS), as appropriate, which were used in the rate development process. The following populations are excepted from mandatory enrollment in managed care:

American Indians and Alaskan Natives
Individuals with access to cost effective Student Health Insurance

- B. Benefits Excepted from Managed Care Delivery System.** Benefits that are excepted from the Managed Care Delivery System are those that are designated as FFS in Attachment B, including some family planning services, targeted HCBS services defined in Attachment C, and all adult behavioral services except for individuals enrolled through the Division of Developmental Disabilities (DDD) and MLTSS.
- C. Care Coordination and Referral Under Managed Care.** As noted in plan readiness and contract requirements, the state must require that each MCO refer and/or coordinate, as appropriate, enrollees to any needed state plan services that are excluded from the managed care delivery system but available through a fee for service delivery system, and must also assure referral and coordination with services not included in the established benefit package.
- D. Managed Care Contracts.** No FFP is available for activities covered under contracts and/or modifications to existing contracts that are subject to 42 CFR 438 requirements prior to CMS approval of such contracts and/or contract amendments. The state must submit any supporting documentation deemed necessary by CMS. The state must provide CMS with a minimum of 60 business days to review and approve changes. CMS reserves the right, as a corrective action, to withhold FFP (either partial or full) for the demonstration, until the contract compliance requirement is met.
- E. Public Contracts.** Payments under contracts with public agencies, that are not competitively bid in a process involving multiple bidders, must not exceed the documented costs incurred in furnishing covered services to eligible individuals (or a reasonable estimate with an adjustment factor no greater than the annual change in the consumer price index).
- F. Network Requirements.** Pursuant to 438.206 and 438.207, services must be delivered in a culturally competent manner, and the MCO network must be sufficient to provide access to covered services.
- G. Demonstrating Network Adequacy.** Pursuant to 438.207(c), each MCO must provide adequate assurances that it has sufficient capacity to serve the expected enrollment in its service area and offers an adequate range of preventive, primary, pharmacy, and specialty and HCBS services for the anticipated number of enrollees

in the service area.

1. The state must verify these assurances by reviewing demographic, utilization and enrollment data for enrollees in the demonstration as well as:
 - a. The number and types of primary care, pharmacy, and specialty providers available to provide covered services to the demonstration population;
 - b. The number of network providers accepting the new demonstration population; and
 - c. The geographic location of providers and demonstration populations, as shown through GeoAccess or similar software.

H. Provider Credentialing. The provider credentialing criteria must meet the requirements described at 42 CFR 438.214 including MLTSS providers. If the MCO's credentialing policies and procedures do not address non-licensed/non-certified providers, the MCO must create alternative mechanisms to ensure enrollee health and safety.

I. Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Compliance. The state must ensure that the MCOs are fulfilling the state's responsibilities for coverage, outreach, and assistance with respect to EPSDT services that are described in the requirements of sections 1905(a)(4)(b)(services), 1902(a)(43)(administrative requirements), and 1905(r)(definitions).

J. Advisory Committee as required in 42 CFR 438.110. The state must maintain for the duration of the demonstration a managed care advisory group comprised of individuals and interested parties impacted by the demonstration's use of managed care, regarding the impact and effective implementation of these changes to seniors and persons with disabilities. Membership on this group must be periodically updated to ensure adequate representation of individuals receiving MLTSS.

K. Mandatory Enrollment. The state will require that individuals served through this demonstration enroll in managed care programs to receive benefits only when the plans in the applicable geographic area have been determined by the state to meet certain readiness and network requirements and require plans to ensure sufficient access, quality of care, and care coordination for beneficiaries established by the state, as required by 42 CFR 438 and approved by CMS. The state may not mandatorily enroll individuals into any plan that does not meet network adequacy requirements as defined in 42 CFR 438.206.

L. Choice of MCO. The state must ensure that at the time of initial enrollment and on an ongoing basis, the individuals have a minimum of two MCOs meeting all readiness requirements from which to choose. If at any time, the state is unable to offer two plans, an alternative delivery system must be available within 60 calendar days of loss of plan choice.

M. MCO Selection. Demonstration participants who are enrolled in Medicaid and

Medicaid Expansion populations are required to enroll in an MCO. Any demonstration participant that does not make an active selection will be assigned, by default, to a participating MCO. That assignment must be based on 42 CFR 438.54. Once the participant is advised of the state's MCO assignment, the participant, consistent with 42 CFR section 438.56, is permitted up to 90 days to disenroll from the assigned MCO and select another. Once the participant remains in an MCO beyond 90 days, disenrollment by the individual may only occur for cause reasons as defined in 42 CFR 438.56(d)(2) as applicable and must be followed by the state unless explicitly waived, without cause as defined in 42 CFR 438.56(c), or at least every 12 months during an open enrollment period.

- N. **Required Notice for Change in MCO Network.** The state must provide notice to CMS as soon as it becomes aware of (or at least 90 calendar days prior if possible) a potential change in the number of plans available for choice within an area, or any other changes impacting proposed network adequacy. The state must provide network updates through its regular meetings with CMS and submit regular documentation as requested.

49. Additional Delivery System Requirements HCBS and MLTSS Program.

In addition to the requirements described in STC 45, the following additional delivery system requirements apply to all the HCBS programs and MLTSS programs in this demonstration.

- A. **Administrative Authority.** There are multiple state agencies involved in the administration of the HCBS; therefore, the Single State Medicaid Agency (SSMA) must maintain authority over the programs. The SMA must exercise appropriate monitoring and oversight over the state agencies involved, the MCO's, and other contracted entities.
- B. **Home and Community-Based Characteristics.** Residential settings located in the community will provide members with the following:
1. Private or semi-private bedrooms including decisions associated with sharing a bedroom.
 2. All participants must be given an option to receive home and community based services in more than one residential setting appropriate to their needs.
 3. Private or semi-private bathrooms that include provisions for privacy.
 4. Common living areas and shared common space for interaction between participants, their guests, and other residents.
 5. Enrollees must have access to a food storage or food pantry area at all times.
 6. Enrollees must be provided with an opportunity to make decisions about their day to day activities including visitors, when and what to eat, in their home and in the community.
 7. Enrollees will be treated with respect, choose to wear their own clothing, have private space for their personal items, have privacy to visit with

friends, family, be able to use a telephone with privacy, choose how and when to spend their free time, and have opportunities to participate in community activities of their choosing.

- C. **Health and Welfare of Enrollees.** The state, or the MCO for MLTSS enrolled individuals, through an MCO contract, must be required on a continuous basis to identify, address, and seek to prevent instances of abuse, neglect and exploitation through the Critical Incident Management System referenced in subparagraph E of this STC.
- D. **Demonstration Participant Protections.** The state will assure that children, youth, and adults in MLTSS and HCBS programs are afforded linkages to protective services (e.g., Ombudsman services, Protection and Advocacy, Division of Child Protection and Permanency) through all service entities, including the MCOs.
 - i. The state will ensure that these linkages are in place before, during, and after the transition to MLTSS as applicable.
 - ii. The state/MCOs will develop and implement a process for community-based providers to conduct efficient, effective, and economical background checks on all prospective employees/providers with direct physical access to enrollees.
- E. **Critical Incident Management System.** The state must have policies and procedures in place through which providers must identify, report and investigate critical incidents that occur within the delivery of services. Provider contracts must reflect the requirements of this system. The state also has a system as well as policies and procedures in place through which to detect, report, investigate, and remediate abuse, neglect, and exploitation. Providers and participants must be educated about this system. Provider obligations must include specific action steps that providers must take in the event of known or suspected abuse, neglect or exploitation.

The state must have a system as well as policies and procedures in place through which providers must identify, report and investigate critical incidents that occur within the delivery of HCBS/MLTSS. Provider contracts must reflect the requirements of this system. The state must also have a system as well as policies and procedures in place through which to detect, report, investigate, and remediate abuse, neglect, and exploitation described in herein. Providers and participants must be educated about this system. Provider obligations must include specific action steps that providers will take in the event of known or suspected abuse, neglect or exploitation. All known and substantiated incidents must be tracked and reported to CMS on a quarterly and annual basis.

- F. **Managed Care Grievance/Complaint System.** The MCO must operate a grievance/complaint system that affords participants the opportunity to register

grievances or complaints concerning the provision of services.

- G. **Fair Hearings.** All enrollees must have access to the state fair hearing process as required by 42 CFR 431 Subpart E. In addition, the requirements governing MCO appeals and grievances in 42 CFR 438 Subpart F must apply.
- H. **Plan of Care (PoC).** A “Plan of Care” is a written plan designed to provide the demonstration enrollee with appropriate services and supports in accordance with his or her individual needs. For individuals receiving HCBS FFS under the demonstration, the state must ensure the individual will lead the person-centered planning process where possible, the service plan will encompass needed services and supports identified by the functional assessment with respects to the individuals preferences for service and support delivery, and the person-centered service plan will be reviewed and revised with reassessment of functional need at least annually, upon changes to the individual’s circumstances or needs, or at the request the individual, as outlined in 42 CFR 441.301(c)(1)-(3).

Individuals receiving MLTSS under the demonstration must have a PoC and will be provided services in accordance with their plan. The state must establish minimum guidelines regarding the PoC that will be reflected in contracts and/or provider agreements. These must include at a minimum: 1) a description of qualification for individuals who will develop the PoC; 2) PoC will be updated at least annually to document and address any changes in participants’ life circumstances and needs; 3) types of assessments; 4) how enrollees are informed of the services available to them; and 5) the MCOs’ responsibilities for implementing and monitoring the PoC.

1. Each member’s PoC must include team-based Person-Centered Planning, which is a highly individualized and ongoing process to develop care plans that focus on the person’s abilities and preferences. Person-Centered Planning includes consideration of the current and unique bio-psycho-social and medical needs and history of the enrollee, as well as the person’s functional level, and support systems.
2. The state or the MCO, for those enrolled in MLTSS will emphasize services provided in home and community-based settings, maximizing health and safety, whenever possible.
3. Meetings related to the enrollee’s PoC will be held at a location, date, and time convenient to the enrollee and his/her invited participants.
4. A back-up plan must be developed and incorporated into the plan to assure that the needed assistance will be provided in the event that the regular services and supports identified in the PoC are temporarily unavailable. The back-up plan may include other assistance or agency services.
5. The state (not the MCOs) will be responsible for the PoC developed for each enrollee transitioning from an institutional setting to a community-based setting through the state’s Money Follows the Person demonstration. The

state will track transitioning enrollees to insure services are received in a timely manner throughout the transitioning process.

6. The state or the MCO for those enrolled in MLTSS must ensure that services are delivered in accordance with the PoC including the type, scope, amount and frequency.
7. The state or the MCO, for those enrolled in MLTSS must ensure that enrollees have the choice of participating providers within the plan network as well as access to non-participating providers when the appropriate provider type is not on the MCO's network.
8. Individuals served in ID/DD programs must have the choice of institutional placements and community settings.
9. Each enrollee's PoC must be reviewed and updated annually at a minimum, or more frequently with individual circumstances as warranted.

- I. Option for Participant Direction of certain HCBS and MLTSS.** NJFC participants who elect the self-direction opportunity must have the option to self-direct the HCBS or MLTSS, Participant direction affords NJFC participants the opportunity to have choice and control over how services are provided and who provides the service. Member participation in participant direction is voluntary, and members may participate in or withdraw from participant direction at any time.

The services, goods, and supports that a participant self-directs must be included in the calculations of the participant's budget. Participant's budget plans must reflect the plan for purchasing these needed services.

1. Information and Assistance in Support of Participant Direction. The state/MCO must have a support system that provides participants with information, training, counseling, and assistance, as needed or desired by each participant, to assist the participant to effectively direct and manage their self-directed services and budgets. Participants must be informed about self-directed care, including feasible alternatives, before electing the self-direction option. Participants must also have access to the support system throughout the time that they are self-directing their care. Support activities must include, but is not limited to Support for Participant Direction service which includes two components: Financial Management Services and Support Brokerage. Providers of Support for Participant Direction must carry out activities associated with both components. The Support for Participant Direction service provides assistance to participants who elect to self-direct their personal care services.
2. Participant Direction by Representative. The participant who self-directs the personal care service may appoint a volunteer designated representative to assist with or perform employer responsibilities to the extent approved by the participant. Community Care program services

may be directed by a legal representative of the participant. Services may be directed by a non-legal representative freely chosen by an adult participant. A person who serves as a representative of a participant for the purpose of directing personal care services cannot serve as a provider of personal attendant services for that participant.

3. Independent Advocacy. Each enrollee must have access to an independent advocate or advocacy system in the state. This function is performed by individuals or entities that do not provide direct services, perform assessments, or have monitoring, oversight or fiscal responsibilities for the demonstration. The plans will provide participants with information regarding independent advocacy such as the Ombudsman for Institutionalized Elderly and state staff who approved LOC determination and did options counseling.
4. Participant Employer Authority. The participant (or the participant's representative) must have decision-making authority over workers who provide personal care services.
 - a. Participant/Common Law Employer. The participant (or the participant's representative) is the common law employer of workers who provide personal care services. An IRS-Approved Fiscal/Employer Agent functions as the participant's agent in performing payroll and other employer responsibilities that are required by federal and state law. Supports are available to assist the participant in conducting employer-related functions.
 - b. Decision Making Authorities. The participant exercises the following decision making authorities: Recruit staff, select staff from worker registry, hire staff as common law employer, verify staff qualifications, obtain criminal history and/or background investigation of staff, specify additional staff qualifications based on participant needs and preferences, evaluate staff performance, verify time worked by staff and approve time sheets, and discharge staff.

- J. **Disenrollment from Participant-Direction.** A participant may voluntarily disenroll from the self-directed option at any time and return to a traditional service delivery system. To the extent possible, the member must provide his/her provider ten (10) days advance notice regarding his/her intent to withdraw from participant direction. A participant may also be involuntarily disenrolled from the self-directed option for cause, if continued participation in the participant-directed services option would not permit the participant's health, safety, or welfare needs to be met, or the participant demonstrates the inability to self-direct by consistently demonstrating a lack of ability to carry out the tasks

needed to self-direct personal care services, or if there is fraudulent use of funds such as substantial evidence that a participant has falsified documents related to participant directed services. If a participant is terminated voluntarily or involuntarily from the self-directed service delivery option, the MCO must transition the participant to the traditional agency direction option and must have safeguards in place to ensure continuity of services.

K. **Appeals.** The following actions must be considered an adverse action under both 42 CFR 431 Subpart E (state fair hearing) and 42 CFR 438 Subpart F (MCO grievance process):

1. A reduction in services;
2. A denial of a requested adjustment to the budget; or
3. A reduction in amount of the budget.

Participants may use either the state fair hearing process or the MCO appeal process to request reconsideration of these adverse actions.

L. **Service Plan Reductions.** The state must review a sample of LTSS plans of care that includes a reduction, suspension, or termination in personal care and/or private duty nursing services for the first year to ensure that reductions, suspensions, and terminations were done appropriately. This review must include a determination of whether consistent with 42 CFR 438.420, enrollees were provided all appeal rights afforded through the CMS and state fair hearing process with the ability to continue services during the appeal.

M. **Nursing Facility Diversion.** Each MCO, with assistance from the state, will develop and implement a “NF Diversion Plan” to include processes for enrollees receiving HCBS and enrollees at risk for NF placement, including short-term stays. The diversion plan will comply with requirements established by the state and be prior approved by the state, and CMS. The Plan will include a requirement for the MCOs to monitor hospitalizations and short-stay NF admission for at-risk enrollees, and identify issues and strategies to improve diversion outcomes.

N. **Nursing Facility Transition to Community Plan.** Each MCO, with assistance from the state, will develop and implement a “NF to Community Transition Plan” for each enrollee placed in a NF when the enrollee can be safely transitioned to the community, and has requested transition to the community. The Plan will include a requirement for the MCOs to work with state entities overseeing services to older adults and other special populations utilizing NF services. Each MCO will have a process to identify NF residents with the ability and desire to transition to a community setting. MCOs will also be required to monitor hospitalizations, re-hospitalizations, and NF admissions to identify issues and implement strategies to improve enrollee outcomes.

O. **Demonstration Participant Protections under MLTSS.** The state will assure that children, youth, and adults in MLTSS and HCBS programs are afforded

linkages to protective services through all service entities, including the MCOs.

1. The state will ensure that these linkages are in place before, during, and after the transition to MLTSS.
2. The state/MCO's will develop and implement a process for community-based providers to conduct efficient, effective, and economical background checks on all prospective employees/providers with direct physical access to enrollees.

P. **Institutional and Community-Based MLTSS.** The provisions related to institutional and community-based MLTSS are as follows:

1. Enrollees receiving MLTSS will most often receive a cost-effective placement, which will usually be in a community environment.
2. Enrollees receiving MLTSS will typically have costs limited/aligned to the annual expenditure associated with their LOC assessment (e.g. Hospital, Nursing Facility).
3. Exceptions are permitted to the above provisions in situations where a) an enrollee is transitioning from institutional care to community-based placement; b) the enrollee experiences a change in health condition expected to last no more than six months that involve additional significant costs; c) special circumstances where the state determines an exception must be made to accommodate an enrollee's unique needs. The state will establish a review procedure to describe the criteria for exceptional service determinations between the state and the MCOs which must be approved by CMS.
4. MCOs may require community-based placements, provided the enrollee's PoC provides for adequate and appropriate protections to assure the enrollee's health and safety.
5. If the estimated cost of providing the necessary community-based MLTSS to the enrollee exceeds the estimated cost of providing care in an institutional setting, the MCO may refuse to offer the community-based MLTSS. In this circumstance, individuals will be provided with a notice of decision with appeal rights. However, as described in (c) above, exceptions may be made in individual special circumstances where the state determines the enrollee's community costs must be permitted to exceed the institutional costs.
6. If an enrollee whose community-based costs exceed the costs of institutional care refuses to live in an institutional setting and chooses to remain in a community-based setting, the enrollee and the MCO will complete a special risk assessment detailing the risks of the enrollee in remaining in a community-based setting, and outlining the safeguards that have been put in place. The risk assessment will include a detailed back-up plan to assure the health and safety of the enrollee under the cost cap that has been imposed by the state.
7. Nothing in these STCs relieves the state of its responsibility to comply with the Supreme Court *Olmstead* decision, and the Americans with Disabilities Act.

- Q. Care Coordination for MLTSS.** Care Coordination is services to assist enrollees in gaining access to needed demonstration and other services, regardless of the funding source. Care Coordinators are responsible for ongoing monitoring of the provision of services included in the PoC and assuring enrollee health and safety. Care Coordinators initiate the process to evaluate or re-evaluate the enrollee's PoC, his or her level of care determination (where appropriate), and other service needs.
1. Integrated care coordination for physical health and MLTSS will be provided by the MCOs in a manner that is "conflict-free."
 2. The state will establish a process for conflict free care coordination, to be approved by CMS that will include safeguards, such as separation of services and other structural requirements, state/enrollee oversight, and administrative review.
 3. Each MCO must also assign a Behavioral Health Administrator to develop processes to coordinate behavioral health care with physical health care and MLTSS, in collaboration with the care coordinators.
 4. The state will assure that there are standard, established timelines for initial contact, assessment, development of the PoC, the individual service agreement, and authorization and implementation of services between the state and the MCOs.
 5. Care coordinators must monitor the adequacy and appropriateness of services provided through self-direction, and the adequacy of payment rates for self-directed services.

50. Behavioral Health Organization. Coverage of behavioral health services will vary depending on population and level of care as described in the Benefits section above and in Attachments B and G. In general, behavioral health for demonstration beneficiaries will be excluded from the coverage furnished through the primary managed care organization, but instead will be covered through a behavioral health organization (BHO). The state will contract with BHOs on a non-risk basis as an Administrative Services Organization (ASO). Should the state decide to implement an at-risk arrangement for the BHO the state will submit an amendment to CMS in accordance with STC 7. Exceptions to this service delivery system, under which behavioral health will be included in the MCO benefit package include: dual eligibles enrolled in a SNP and individuals enrolled in a MLTSS MCO furnishing long term supports and services/HCBS services.

- A. Behavioral Health for Children. Upon the effective date of this demonstration, children who are not in a HCBS/MLTSS/SNP population will have their behavioral health care coordinated by a behavioral health ASO.
1. The ASO must perform the following functions on behalf of the state:
 - a. 24/7 Call Center
 - b. Member services
 - c. Medical Management

- d. Provide and manage MIS/EMR for Children’s System of Care
- e. Dispatch Mobile Response/Crisis Response
- f. Clinical Phone Triage (performed by licensed clinicians)
- g. Facilitate Needs Assessments
- h. Clinical Reviews of Needs Assessments
- i. Care Coordination
- j. Intensity of Service Determinations
- k. Treatment Plan Reviews
- l. Prior Authorizations
- m. Quality Monitoring in Coordination with DCF
- n. Utilization Management
- o. Data Sharing and Reporting
- p. Grievance and Intensity of Service Dispute Resolution
- q. Behavioral Health and Primary Health Coordination
- 2. Excluded Children’s ASO functions.
 - a. Provider Network Management
 - b. Claims payment
 - c. Rate Setting

B. Behavioral Health for Adults. Behavioral health services will not be included in the benefit package provided by the primary managed care organization. Adult behavioral health services are coordinated by a behavioral health ASO.

C. Functions of the Adult ASO. The ASO must perform the following functions:

- a. 24/7 Call Center
- b. Member services
- c. Screening and assessment
- d. Prior authorization
- e. Network management
- f. Utilization management, including level of care determination and continuing care review
- g. Care management
- h. Medical management
- i. Care coordination
- j. Quality management
- k. Information technology
- l. Data submission and reporting requirements
- m. Financial management, including claims processing and payment
- n. Development of care models and service arrays for consumers with intellectual and developmental disabilities; non-SNP dual eligibles (Medicare and Medicaid), and Medicaid expansion populations
- o. Coordination with the MCOs regarding high-utilizing consumers and consumers screened with behavioral health/medical conditions
 - 1. Excluded Adult ASO function.
 - a. Adult populations currently enrolled in the 1915(c) programs who are

moving to MLTSS program will be excluded from the ASO since their behavioral health care will be managed by the MCO.

- D. Services Provided by the BHO/ASO. The services provided by the BHO/ASO are listed in Attachment G.
- E. Duplication of Payment. To avoid duplication of payment for services for demonstration participants who require behavioral health, the Behavioral Health Service and Payer table in Attachment G will determine who the payer for behavioral health care is.

IX. DELIVERY SYSTEM REFORM INCENTIVE PAYMENT PROGRAM

51. DSRIP Program Overview. For the extension period, New Jersey may claim, as authorized expenditures under the demonstration, up to \$499.8 million (total computable) for DY 6 through DY 8, performance based incentive payments supporting hospitals' efforts to enhance access to health care, the quality of care and the health of the patients and families they serve through payment and delivery system reforms. DSRIP payments are an incentive for successfully meeting associated metrics and outcomes rather than a payment of claims for the provision of medical care. Therefore, DSRIP payments are not considered patient care revenue, and must not be offset against disproportionate share hospital expenditures or other Medicaid expenditures that are related to the cost of patient care (including stepped down costs of administration of such care) as defined under these STCs, and/or under the State Plan. DSRIP is a time limited program, and New Jersey's efforts undertaken through DSRIP will be sustainable after the funding under the extension period expires.

52. DSRIP Program Phase Out. New Jersey's DSRIP program, originally authorized in the October 1, 2012 demonstration approval, will continue for three years while the state and CMS collaborate to identify and implement a transition of DSRIP program payments from 1115(a) authority into an alternative payment mechanism that ensures New Jersey can sustainably support delivery of care to low income populations and align with system-wide transformation. New Jersey must submit a Sustainability and Transition Plan that will allow for transition to an alternative payment mechanism by June 30, 2020, (which is when the DSRIP program authority expires). The plan must include activities the state will perform, during the extension period, in order to effectuate the transition. The state will be required to meet project milestones listed in Table B below, regarding its sustainability plan and transition activities. Failure to meet these milestones, will result in deferral of DSRIP expenditure authority, meaning the state will be required to cease drawing down federal funds until the deliverable is submitted. The details of what triggers a deferral and the deferral process can be found below in STC 54. Major transition activities and deliverables can be found below in Table B.

Table B	
Activity/Deliverable	Due Date
DSRIP Transition Plan	June 30, 2018
Submit applicable SPA and/or Pre Print for Approval	September 30, 2018
Submit Framework for Measuring and Scoring Performance	No later than June 30, 2019
Submit Contract to CMS for Approval	No later than September 30, 2019
SPA and/or Medicaid Contract Amendment(s) Approved	December 31, 2019 (in order to be effective by July 1, 2020)

53. Goals and Objectives. The objective of the DSRIP program is to further key state goals to improve patient care for New Jersey’s low income population by incentivizing delivery system reforms that improve access, enhance quality of care, and promote the health of patients and the families they serve. As part of the state’s health improvement plan it identified high priority health issues and leading health indicators the state plans to address through the implementation of interventions that impact chronic care in New Jersey. The DSRIP program focus areas are a derivative of the state’s leading health indicators.

54. DSRIP Program Structure. Funding allocations for DSRIP process and performance metrics are based on the attribution of Medicaid, CHIP and charity care beneficiaries in the eligible hospitals community. Participating hospitals select from the nine focus areas and a list of pre-defined projects for that focus area. Progress towards achieving the DSRIP goals are assessed by specific indicators for each project, which are measured by specific metrics that are defined in the DSRIP Program and Funding and Mechanics Protocols (Attachments H and I). The indicators are organized into stages, as described below. Each stage contains pay for reporting and pay for performance indicators.

- a. **Eligibility.** The hospitals that are eligible to receive incentive payments under the DSRIP program are general acute care hospitals. A list of the 49 participating hospitals is provided in Attachment J
- b. **Project Focus Areas.** Each eligible hospital will select a project from the menu of focus areas listed below. Projects may include those based on regional planning needs as part of its DSRIP plan.

- i. Asthma

- ii. Behavioral Health
- iii. Cardiac Care
- iv. Chemical Addition/Substance Abuse
- v. Diabetes
- vi. HIV/AIDS
- vii. Obesity
- viii. Pneumonia
- ix. Any medical condition that is unique to a specific hospital, if approved by CMS. (The DSRIP Program Funding and Mechanics Protocol must specify a process for the state to obtain CMS approval for hospital-specific Focus Areas.)

c. **Project Stages.** During the extension period, there will be changes to the requirements for project stages. The DSRIP Planning Protocol and Funding and Mechanics Protocol must be revised in accordance with the changes as required in these STC 53. Hospitals must submit DSRIP Renewal Applications that comport with changes to the DSRIP Planning Protocol and Funding and Mechanics Protocol and must update their DSRIP hospital plans, to the extent necessary, based on their approved applications. Therefore, the stages approved during the prior DSRIP period will be effective for Demonstration Year 6 and the applicable experience period, as described below. This will enable the hospitals to make necessary changes required for the implementation of any changes for Demonstration Years 7 and 8, and applicable experience periods.

- i. Demonstration Year 6 Requirements: Hospital projects will consist of indicators that are grouped into the following stages:
 - 1. Stage 1: Infrastructure Development – Activities in this stage lay the foundation for delivery system transformation through investments in technology, tools, and human resources that will strengthen the ability of providers to serve populations and continuously improve services. This stage is all pay for reporting.
 - 2. Stage 2: Chronic Medical Condition Redesign and Management- Activities in this stage include the piloting, testing, and replicating of chronic patient care models. As well as re-designing the project based on the results of the pilot. All stage 2 activities, identified in the DSRIP Program Protocol are required. This stage is all pay for reporting.
 - 3. Stage 3: Quality Improvements –This stage involves the monitoring of project-specific clinical measures that are associated with the achievement of implementing stage 1 and 2 project activities and meeting milestones. All participating hospitals must report these project-specific outcomes in each demonstration year

at a frequency indicated in Attachment 1: DSRIP Toolkit, Section II. Calendar - Timelines. This stage is all pay for performance.

4. Stage 4: Population Focused Improvements – This stage includes universal metrics reported across several domains selected by the state based on community readmission rates and hospital acquired infections. This stage is pay for reporting, however specific stage 4 measures feed into the Universal Performance Pool (UPP). Certain measures will transition to pay for performance in DY 7 and 8, to this end hospitals will be required to submit baseline data to determine benchmarks and ITGs in order for pay for performance implementation. In accordance with this requirement, hospitals must include reporting of all defined stage 4 metrics.
- ii. Demonstration Years 7 and 8 Requirements: Hospital projects will consist of indicators that are grouped into the following stages:
 - a. Stage 1: System Transformation Milestones – This stage will include a common set of process measures that every hospital is required to track and report. This stage must include measurable indicators that reflect underlying goals of system transformation. This stage will be pay for reporting.
 - b. Stage 2: Quality Improvements – This stage involves the monitoring of project-specific clinical measures that are associated with the achievement of milestones. All participating hospitals must report these project-specific outcomes in each demonstration year at a frequency indicated in the STCs and Funding and Mechanics Protocol. This stage is pay for performance.
 - c. Stage 3: Population Focused Improvements – This stage includes universal metrics reported across several domains selected by the state based on community readmission rates and hospital acquired infections. These performance indicators are connected to the achievement of providing better care, better access to care, and enhanced prevention of chronic medical conditions and population improvement. This stage is a combination of pay for reporting and pay for performance measures. At least 50% of funding allocated to this stage must be attributed to pay for performance.
 - d. **Universal Performance Pool.** The Universal Performance Pool (UPP) rewards high performing hospitals that meet or exceed their performance targets. The measures eligible for this pool are denoted in the revised Measures Catalogue. The UPP will be made up of the following funds:

- i. Hospital DSRIP Target Funds from hospitals that elected to not participate.
 - ii. The percentage of the total DSRIP funds set aside for the UPP, known as the Carve Out Allocation amount, as described in the Funding and Mechanics Protocol.
 - iii. Target Funds that are forfeited from hospitals that do not achieve project milestones/metrics, less any prior year appealed forfeited funds where the appeal was settled in the current demonstration year in favor of the hospital
 - iv. Forfeited amounts from hospitals electing to discontinue participation in the DSRIP Program.
 - v. Payments from Non-Participating hospitals, stage measure forfeitures, and the remaining UPP carve-out funding measure forfeitures will be allocated to each hospital based on the ratio of the hospital specific earned payments to Total Statewide earned payments for the applicable demonstration year across all stages.
- e. **Delivery System Reform Incentive Payment (DSRIP) Program. DSRIP Performance Indicators.** Each stage must have measurable performance indicators by DY 7. Performance indicators will comprise a list of reporting measures that hospitals will be required to report progress. Progress will be measured using a gap-to-goal methodology. The improvement target goal (ITG) serves as the standard level of performance that hospitals must strive to obtain. CMS and the state must approve the ITGs. Improvement Target Goals will be determined through the use of national benchmark data. For measures that do not have national benchmark data available or where New Jersey state data is higher, New Jersey state data will be used to determine the ITG. For instances where a hospital meets or exceed its performance targets, appropriate modifications must be made to the performance indicator. That is, hospitals will not be permitted to receive ongoing incentive payments for simply maintaining; there must be improvement.

55. Federal Financial Participation (FFP) For DSRIP. The following terms govern the state's eligibility to claim FFP for DSRIP.

- a. The state can claim FFP for DSRIP payments, in each DY, up to the limits on total computable payments shown in the table below. If the state wishes to change any provision of the DSRIP program, it must submit a demonstration amendment, in accordance with STC 7, to CMS. The amendment must be approved by CMS before any changes are made to the program. The state may not carry over DSRIP funds from one demonstration year to the next.

Table C. DSRIP Allocation (Total Computable)					
Demonstration Year	DY 6 August 1, 2017- June 30, 2018	DY 7 July 1, 2018- June 30, 2019	DY 8 July 1, 2019- June 30, 2020	DY 9 July 1, 2020- June 30, 2021	DY 10 July 1, 2021- June 30, 2022
DSRIP Pool Amount	\$166.6 M	\$166.6 M	\$166.6 M	\$0	\$0

- b. The non-federal share of DSRIP payments to providers may be funded by state general revenue funds and transfers from units of local government that are compliant with section 1903(w) of the Act. Any payments funded by intergovernmental transfers from governmental providers must remain with the provider, and may not be transferred back to any unit of government. CMS reserves the right to withhold or reclaim FFP based on a finding that the provisions of this STC have not been followed.
- c. The state must inform CMS of the funding of all DSRIP payments made to hospitals through the quarterly payment report, as part of the quarterly operational report required by STC 65, to be submitted to CMS within 60 calendar days after the end of each quarter. This report must identify and fully disclose all the underlying primary and secondary funding sources of the non-federal share (including health care related taxes, certified public expenditures, intergovernmental transfers, general revenue appropriations, and any other mechanism) for each type of payment received by each provider.
- d. The state will ensure that the lack of adequate funds from local sources will not result in lowering the amount, duration, scope or quality of services available under the state plan or this demonstration. The preceding sentence is not intended to preclude the state from modifying the Medicaid benefit through the State Plan amendment process.
- e. Each quarter the state makes DSRIP Payments and claims FFP, appropriate supporting documentation will be made available for CMS to determine the allowability of the payments. Supporting documentation may include, but is not limited to, summary electronic records containing all relevant data fields such as Payee, Program Name, Program ID, Amount, Payment Date, Liability Date, Warrant/Check Number, and Fund Source. Documentation regarding the Funds revenue source for payments will also identify all other funds transferred to such fund making the payment.

56. Limits on DSRIP Expenditure Authority.

- a. The state may not claim FFP for DSRIP, DYs 6-8, until after CMS has approved the revised DSRIP Planning Protocol for and revised DSRIP Funding and Mechanics Protocol.
- b. The state may not claim FFP for DSRIP payments in DYs 6 through 8 until both

the state and CMS have concluded that the hospitals have met the performance indicated for each payment. Hospitals' reports must contain sufficient data and documentation to allow the state and CMS to determine if the hospital has fully met the specified metric, and hospitals must have available for review by the state or CMS, upon request, all supporting data and back-up documentation. FFP will be available only for payments related to the performance indicators described in the approved revised DSRIP Planning or Funding and Mechanic Protocols or an approved Hospital DSRIP Plan. In all instances, the STCs and Protocols supersede Hospital Plan.

- 57. Deferral for Failure to Submit Timely DSRIP Transition Deliverables.** CMS may issue deferrals of the federal share for DSRIP payments claimed by the state in DYs 6-8 when items required by STC 49 (e.g., required data elements, analyses, reports, design documents, presentations, and other items specified in these STCs (hereafter singly or collectively referred to as "deliverable(s)")) are not submitted timely to CMS or found to not be consistent with the requirements approved by CMS. Specifically:
- a. Thirty (30) calendar days after the deliverable was due, CMS will issue a written notification to the state providing advance notification of a pending deferral for late or non-compliant submissions of required deliverables.
 - b. For each deliverable, the state may submit a written request for an extension to submit the required deliverable. Extension requests that extend beyond the current fiscal quarter must include a Corrective Action Plan (CAP).
 - i. CMS may decline the extension request.
 - ii. Should CMS agree in writing to the state's request, a corresponding extension of the deferral process described below can be provided.
 - iii. If the state's request for an extension includes a CAP, CMS may agree to or further negotiate the CAP as an interim step before applying the deferral.
 - c. The deferral would be issued against the next quarterly expenditure report following the written deferral notification.
 - d. When the state submits the overdue deliverable(s) that are accepted by CMS, the deferral(s) will be released.
 - e. CMS will consider with the state an alternative set of operational steps for implementing the intended deferral to align the process with the state's existing deferral process, for example what quarter the deferral applies to, and how the deferral is released.

- 58. DSRIP Planning Protocol.** The state must revise the exiting protocol in accordance with the agreed upon program changes for the extension period and submit to CMS for review and approval no later than August 31, 2017. The state and CMS will work collaboratively towards an approval by September 30, 2017. Once approved by CMS, this document will be incorporated as Attachment H of these STCs, and once incorporated may be altered only with CMS approval, and only to the extent consistent with the approved waivers, expenditure authorities and STCs. (Changes to the protocol will apply prospectively, unless otherwise indicated in the protocols.) The

state may not claim FFP for DSRIP, in DY 6 through DY 8, until the protocols have been approved. The Protocol must:

- a. Outline the global context, goals and outcomes that the state seeks to achieve through the combined implementation of individual projects by hospitals;
- b. Specify the applicable changes to Project Stages, as shown in STC 51, and for each Stage specify performance indicators, along with their associated population-focused objectives and evaluation metrics, from which each eligible hospital will select to create its own projects;
- c. Detail the requirements of the Hospital DSRIP Plans, consistent with STC 57; and
- d. Specify measure sets for all stages and their requirements during the DSRIP extension period that must be collected and reported by all hospitals.

59. DSRIP Program Funding and Mechanics Protocol. The state must revise the existing protocol in accordance with agreed upon changes for the extension period and submit the revised DSRIP Program Funding and Mechanics Protocol to CMS for review and approval no later than August 31, 2017. The state and CMS will work collaboratively towards review and approval by October 1, 2017. Once approved by CMS, this document will be incorporated as Attachment H of these STCs, and once incorporated may be altered only with CMS approval, and only to the extent consistent with the approved waivers, expenditure authorities and STCs. (Changes to the protocol will apply prospectively, unless otherwise indicated in the protocols.) The state may not claim FFP for DSRIP, in DY 6 through DY 8, until the revised protocols are approved. DSRIP payments for each participating hospital are contingent on the hospital fully meeting project metrics defined in the approved hospital-specific Hospital DSRIP Plan. In order to receive incentive funding relating to any metric, the hospital must submit all required reporting, as outlined in the DSRIP Program Funding and Mechanics Protocol. In addition, the DSRIP Program Funding and Mechanics Protocol must:

- a. Include guidelines for individual Hospital DSRIP Plans, which must include timelines and deadlines for the meeting of metrics associated with the projects and activities undertaken to ensure timely performance;
- b. Provide minimum standards for the process by which hospitals seek public input in the development of their Hospital DSRIP Plans, and provide that hospitals must include documentation of public input in their Hospital DSRIP Plans;
- c. Specify a state review process and criteria to evaluate each hospital's individual DSRIP plan and develop its recommendation for approval or disapproval prior to submission to CMS for final approval;
- d. Specify a process for obtaining CMS approval for hospital-specific Focus Areas that do not appear on the list in STCs 55 and 57;
- e. Allow sufficient time for CMS to conduct its review of the Hospital DSRIP Plans;
- f. Describe, and specify the role and function, of a standardized, hospital-

specific application to be submitted to the state on an annual basis for the utilization of DSRIP funds that outlines the hospital's specific DSRIP plan, as well as any data books or reports that hospitals may be required to submit to report baseline information or substantiate progress;

- g. Hospitals must submit semi-annual reports to the state using a standardized reporting form to document their progress (as measured by the specific metrics applicable to the projects that the hospitals have chosen), and qualify to receive DSRIP Payments if the specified performance levels were achieved;
- h. Specify a review process and timeline to evaluate hospital progress on its DSRIP plan metrics in which first the state and then CMS must certify that a hospital has met its approved metrics as a condition for the release of associated DSRIP funds to the hospital;
- i. Specify an incentive payment formula to determine the total annual amount of DSRIP incentive payments each participating hospital may be eligible to receive during the implementation of the DSRIP project, consistent with STC 60 below, and a formula for determining the incentive payment amounts associated with the specific metrics selected by each hospital, such that the amount of incentive payment is commensurate with the value and level of effort required;
- j. Specify that hospital's failure to fully meet a performance metric under its Hospital DSRIP Plan within the time frame specified will result in forfeiture of the associated incentive payment (i.e., no payment for partial fulfillment);
- k. Describe a process by which a hospital that fails to meet a performance metric in a timely fashion (and thereby forfeits the associated DSRIP Payment) can reclaim the payment at a later point in time (not to exceed one year after the original performance deadline) by fully achieving the original metric in combination with timely performance on a subsequent related metric, or by which a payment missed by one hospital can be redistributed to other hospitals, including rules governing when missed payments can be reclaimed or must be redistributed;
- l. Include a process that allows for potential hospital plan modification (including possible reclamation, or redistribution, pending state and CMS approval) and an identification of circumstances under which a plan modification may be considered, which must stipulate that CMS may require that a plan be modified if it becomes evident that the previous targeting/estimation is no longer appropriate or that targets were greatly exceeded or underachieved; and
- m. Include a state process of developing an evaluation of DSRIP as a component of the draft evaluation design as required in section XI of the STCs. When revising the DSRIP Planning Protocol, the state must consider ways to structure the different projects that will facilitate the collection, dissemination, and comparison of valid quantitative data to support the Evaluation Design required in section XI of the STCs and Attachments K and M. The state must select a preferred evaluation plan for the applicable

evaluation question, and provide a rationale for its selection. To the extent possible, participating hospitals must use similar metrics for similar projects to enhance evaluation and learning experience between hospitals. To facilitate evaluation, the DSRIP Planning Protocol must identify a core set of metrics that all participating hospitals must be required to report even if the participating hospital chooses not to undertake that project. The intent of this data set is to enable cross hospital comparison even if the hospital did not elect the intervention.

60. Hospital DSRIP Plans. Each participating hospital has a Hospital DSRIP Plan, consistent with the DSRIP Planning Protocol, that is rooted in the intensive learning and sharing that will accelerate meaningful improvement. Participating hospitals have DSRIP plans that are designed to be consistent with the hospital's mission and quality goals, as well as CMS's overarching approach for improving health care through the simultaneous pursuit of three aims: better care for individuals (including access to care, quality of care, and health outcomes), better health for the population, and lower cost through improvement (without any harm whatsoever to individuals, families or communities). In the Hospital DSRIP Plan, each hospital describes how the project is being carried out to improve the quality of care provided, the efficiency with which care is provided, or population health. Each project consists of a series of metrics drawn from a predetermined menu of grouped according to three Project Stages. Hospitals may qualify to receive incentive payments (DSRIP Payments) for fully meeting performance metrics (as specified in the Hospital DSRIP Plan), which represent measurable, incremental steps toward the completion of project activities, or demonstration of their impact on health system performance or quality of care. For the extension period, hospitals must revise hospital specific Hospital DSRIP Plans where needed, consistent with the demonstration's requirements.

- a. Each hospital's DSRIP plan must identify the project, population-focused objectives, and specific metrics, which must be chosen from the approved DSRIP Planning Protocol, and meet all the requirements pursuant to this demonstration.
- b. Each project must feature performance indicators from all Stages, and require the hospital to report at least five metrics in each reporting cycle and report metrics for all Stages in each DYs 6 through 8.
- c. For each stated goal or objective of a project, there must be an associated outcome metric that must be reported in all years. The initially submitted Hospital DSRIP Plan must include baseline data on all stage measures that require such data.
- d. Hospital DSRIP Plans must include estimated funding available by year to support DSRIP payments, and specific allocation of funding to DSRIP activities proposed within the Hospital DSRIP Plan, with greater weight of payment pay for performance, in accordance with the requirements outlined in the STCs, Planning and Funding protocols. This is to prevent hospitals from establishing greater weights on pay for reporting performance

indicators.

- e. Payment of funds allocated in a Hospital DSRIP Plan to all Stages must be contingent on the hospital reporting DSRIP Performance Indicators to the state and CMS, on the hospital meeting a target level of improvement in the DSRIP Performance Indicator relative to baseline, or both. All such funds allocated in DY 6 through DY 8, must be contingent on meeting a target level of improvement.
- f. Hospitals must provide opportunities for public input to the development of Hospital DSRIP Plans, and must provide opportunities for discussion and review of proposed Hospital DSRIP Plans prior to plan submission to the state. This requirement may be waived for DY 6, based on state and CMS approval.
- g. Participating hospitals must implement new, or significantly enhance existing health care initiatives; to this end, hospitals must identify the CMS and HHS funded initiatives in which they participate, and explain how their proposed DSRIP activities are not duplicative of activities that are already funded. The hospitals will be at risk for any HHS funded initiatives in which they participate that is found to be duplicative, this includes prospective initiatives.
- h. Each individual Hospital DSRIP Plan must report on progress to receive DSRIP funding. Eligibility for DSRIP Payments will be based on successfully meeting metrics associated with approved performance indicators as outlined in the DSRIP Protocols. Hospitals may not receive credit for metrics achieved prior to CMS approval of their revised Hospital DSRIP Plans.

61. Demonstration Years 6 through 8. Each hospital with a state and CMS approved Hospital DSRIP Plan may receive DSRIP payments in DY 6 through DY 8. The total amount of DSRIP Payments available to each hospital in DY 6 through DY 8 is determined based on the parameters listed below.

- A. Percentage of Medicaid, NJFC and Charity Care admissions, patient days, and revenues;
- B. Trends in absolute percentage changes in the Medicaid, NJFC and Charity Care admissions, patient days, and revenues;
- C. Trends in absolute percentage changes in the Medicaid, NJFC and Charity Care admissions, patient days, and revenues from the base period of budget neutrality measurement; and
- D. Geographic location: urban vs. suburban.

62. DSRIP Life Cycle. This is a synopsis of anticipated funding activities planned for the extension period.

- a. Demonstration Years 6 through 8 – *Quality Improvement and Measurements*

- i. Payment Type: DSRIP totaling \$499.8 million
- ii. The state reviews the progress hospitals have made on their desired outcomes.
- iii. Initial DSRIP payments for DY 6 year will be based on hospitals' overall performances for the applicable experience period.
- iv. Hospitals will update the state on a semi-annual basis to demonstrate progress towards the desired outcome measures. Hospitals will provide reports to the state outlining their progress, or lack of progress, in the performance measures which will be the determining factor for their receipt of DSRIP payment over the course of the year.
- v. Hospitals will submit annual status reports outlining on the project five-year DSRIP plan outcome.

X. GENERAL REPORTING REQUIREMENTS

63. Submission of Post-approval Deliverables. The state must submit all deliverables as stipulated by CMS and within the timeframes outlined within these STCs.

64. Deferral for Failure to Submit Timely Demonstration Deliverables. CMS may issue deferrals in the amount of \$5,000,000 (federal share) when items required by these STCs (e.g., required data elements, analyses, reports, design documents, presentations, and other items specified in these STCs (hereafter singly or collectively referred to as “deliverable(s)”) are not submitted timely to CMS or found to not be consistent with the requirements approved by CMS. Specifically:

- a. Thirty (30) calendar days after the deliverable was due, CMS will issue a written notification to the state providing advance notification of a pending deferral for late or non-compliant submissions of required deliverables.
- b. For each deliverable, the state may submit a written request for an extension to submit the required deliverable. Extension requests that extend beyond the current fiscal quarter must include a Corrective Action Plan (CAP).
 - i. CMS may decline the extension request.
 - ii. Should CMS agree in writing to the state's request, a corresponding extension of the deferral process described below can be provided.
 - iii. If the state's request for an extension includes a CAP, CMS may agree to or further negotiate the CAP as an interim step before applying the deferral.
- c. The deferral would be issued against the next quarterly expenditure report following the written deferral notification.
- d. When the state submits the overdue deliverable(s) that are accepted by CMS, the deferral(s) will be released.
- e. As the purpose of a section 1115 demonstration is to test new methods of operation or services, a state's failure to submit all required deliverables may preclude a state from renewing a demonstration or obtaining a new demonstration.
- f. CMS will consider with the state an alternative set of operational steps for implementing the intended deferral to align the process with the state's existing

deferral process, for example, what quarter the deferral applies to and how the deferral is released.

65. Deferral of Federal Financial Participation (FFP) from IMD claiming for Insufficient Progress Toward Milestones. Up to \$5M in FFP for services in IMDs may be deferred if the state is not making adequate progress on meeting the milestones and goals as evidenced by reporting on the milestones in Table 2 and the required performance measures in the monitoring protocol agreed upon by the state and CMS. Once CMS determines the state has not made adequate progress, up to \$5M will be deferred in the next calendar quarter and each calendar quarter thereafter until CMS has determined sufficient progress has been made.

66. Compliance with Federal Systems Updates. As federal systems continue to evolve and incorporate additional 1115 demonstration reporting and analytics functions, the state will work with CMS to:

- A. Revise the reporting templates and submission processes to accommodate timely compliance with the requirements of the new systems;
- B. Ensure all 1115, T-MSIS, and other data elements that have been agreed to for reporting and analytics are provided by the state; and
- C. Submit deliverables to the appropriate system as directed by CMS.

67. Cooperation with Federal Evaluators. As required under 42 CFR 431.420(f), the state must cooperate fully and timely with CMS and its contractors' in any federal evaluation of the demonstration or any component of the demonstration. This includes, but is not limited to, commenting on design and other federal evaluation documents and providing data and analytic files to CMS, including entering into a data use agreement that explains how the data and data files will be exchanged, and providing a technical point of contact to support specification of the data and files to be disclosed, as well as relevant data dictionaries and record layouts. The state must include in its contracts with entities who collect, produce or maintain data and files for the demonstration, that they must make such data available for the federal evaluation as is required under 42 CFR 431.420(f) to support federal evaluation. The state may claim administrative match for these activities. Failure to comply with this STC may result in a deferral being issued as outlined in STC 61.

68. Administrative Authority. When there are multiple entities involved in the administration of the demonstration, the Single State Medicaid Agency must maintain authority, accountability, and oversight of the program. The State Medicaid Agency must exercise oversight of all delegated functions to operating agencies, MCOs and any other contracted entities. The Single State Medicaid Agency is responsible for the content and oversight of the quality strategies for the demonstration.

XI. MONITORING

69. Quarterly and Annual Operational Reports. The state must submit three (3)

Quarterly Reports and one (1) compiled Annual Report each DY. The information for the fourth quarterly report should be reported as distinct information within the Annual Report. The Quarterly Reports are due no later than sixty (60 calendar days) following the end of each demonstration quarter. The compiled Annual Report is due no later than ninety (90 calendar days) following the end of the DY.

- a. The Quarterly and Annual Reports must provide sufficient information for CMS to understand implementation progress of the demonstration including the reports documenting key operational and other challenges, underlying causes of challenges, how challenges are being addressed, as well as key achievements and to what conditions and efforts successes can be attributed. The reports will include all required elements and should not direct readers to links outside the report. (Additional links not referenced in the document may be listed in a Reference/Bibliography section).
- b. The Quarterly and Annual Reports must follow the framework provided by CMS, which is subject to change as monitoring systems are developed/evolve, and be provided in a structured manner that supports federal tracking and analysis.
 - i. Operational Updates - The reports must provide sufficient information to document key operational and other challenges, underlying causes of challenges, how challenges are being addressed, as well as key achievements and to what conditions and efforts successes can be attributed. The discussion should also include any lawsuits or legal actions; unusual or unanticipated trends; legislative updates; and descriptions of any public forums held.
 - ii. Performance Metrics –Any required monitoring and performance metrics must be included in writing in the Quarterly and Annual Reports. Information in the reports will follow the framework provided by CMS and be provided in a structured manner that supports federal tracking and analysis.
 - iii. Budget Neutrality and Financial Reporting Requirements –.The state must provide an updated budget neutrality workbook with every Quarterly and Annual Report that meets all the reporting requirements for monitoring budget neutrality set forth in the General Financial Requirements section of these STCs, including the submission of corrected budget neutrality data upon request. In addition, the state must report quarterly expenditures associated with the populations affected by this demonstration on the Form CMS-64.
 - iv. Evaluation Activities and Interim Findings. The state must include a summary of the progress of evaluation activities, including key milestones accomplished, as well as challenges encountered and how they were addressed. The state must specify, for CMS approval, a set of performance and outcome metrics, including their specifications, reporting cycles, level of reporting (e.g., the state, health plan and provider level, and segmentation by population) to support rapid cycle assessment in trends for monitoring and evaluation of the demonstration.
 - v. SUD Health IT. The state will include a summary of progress made in regards to SUD Health IT requirements outlined in STC 40.

70. Additional Demonstration Quarterly Report Requirements. The state must

maintain a plan for oversight and monitoring of MCOs and FFS providers to ensure compliance and corrective action with provider standards, access, and delivery of quality care and services. Reporting of activity associated with the plan must be consistent with the Quarterly and Annual Progress Reports as set forth in these STCs and reported to CMS on a quarterly basis. The quarterly reports must include the following information, but are not limited to:

A. MLTSS Monitoring and Reporting, including:

i. ***Enrollment Information:***

- 1) Number of individuals enrolled in MLTSS during the quarter reporting period broken down by program, institution type, or HCBS;
- 2) Number of individuals new enrolled in MLTSS (new entrants only) during the quarter reporting period;
- 3) Number of individuals disenrolled from MLTSS during the quarter reporting period;
- 4) Number of FFS and MCO beneficiaries in each county the capacity of each county, total determined eligible and ineligible beneficiaries per county quarterly, and explanation of probable cause of any negative change from quarter to quarter of more than five percent (5%) and description of any steps taken to address such variances.

ii. ***Costs***

- 1) Total LTSS spending during the reporting year
- 2) Total HCBS spending during the reporting year
- 3) Average state per capita LTSS spending during the reporting year
- 4) HCBS spending as a percentage of total LTSS spending

iii. ***Grievances and appeals:***

- 1) Number of enrollee complaints and grievances filing during the quarter reporting period, by type;
- 2) Number of enrollee appeals filed during the reporting quarter, by type;
- 3) Number of provider complaints and grievances filed during the reporting quarter, by type;
- 4) Number of provider appeals filed during the reporting quarter, by type;
- 5) Percent of enrollee complaints and grievances filed during the quarter that are resolved within the state-established timeframe;
- 6) Percent of enrollee appeals filed during the quarter that are resolved within the state-established timeframe.

iv. ***Use of LTSS:***

- 1) Percent of new enrollees with encounters for any LTSS within 120 calendar days of enrollment in the MLTSS program;
- 2) Percent of care assessments during the quarter that are conducted within the state-established timeframe;
- 3) Percent of LTSS in the service plan that are delivered according to service plan.

v. ***Transitions from FFS to MLTSS:***

- 1) Among people who received at least one personal care visit covered under

- fee-for-service during the quarter prior to enrolling in MLTSS, the percentage who receive at least one personal care visit from the same provider they used in FFS during the quarter following MLTSS enrollment;
- 2) Among providers who provided at least one LTSS under fee-for-service during the quarter prior to MLTSS implementation, the percentage who delivered at least one LTSS under managed care in the quarter follow MLTSS implementation, by type.
- vi. ***Quality assurance/monitoring activities.***
- 1) Summary of all quality assurance/monitoring activities undertaken during the reporting period of MCOs and FFS providers to ensure compliance and corrective action with provider standards, access, and delivery of quality care and services.
 - 2) Review of the following MLTSS quality metrics:
 - a) Preventable hospitalizations – number of enrollees who have at least one preventable hospitalization during the reporting quarter, as defined by the AHRQ Prevention Quality Indicators (PQIs);
 - b) Inpatient hospitalizations – average number of inpatient days per enrollee during the reporting quarter;
 - c) Plan all-cause readmissions – the number of acute inpatient stays during the reporting quarter that were followed by an unplanned acute readmission for any diagnosis within 30 days, for members 18 years of age and older;
 - d) Post-hospital institutional care – percent of MLTSS enrollees who are admitted to a nursing home or ICF/ID during the reporting quarter for any length of time after an inpatient admission;
 - e) Fall risk management – the percentage of MLTSS enrollees age 65+ during the reporting year who had a fall or had problems with balance or walking in the past 12 months, who were seen by a practitioner in the past 12 months, and who report receiving fall risk intervention from their current practitioner);
 - f) Getting needed help – percentage of adults age ≥ 18 with disabilities living in the community usually or always receiving needed social and emotional support during the reporting year.

- B. **HCBS/MLTSS Access Monitoring:** The State Medicaid Agency will assure sufficient access/capacity, through the mechanisms listed below, in every county:
- i. Review the total number of individuals receiving a new assessment for HCBS/MLTSS vs. the total number of individuals obtaining ongoing HCBS/MLTSS. CMS requires the state to report and review these metrics quarterly and upon a negative change from quarter to quarter of more than 5%, the state must provide a probable cause for the negative change as well as an analysis that addresses such variances.
 - ii. A review of any other beneficiary or provider call center/line for complaints surrounding the provision of HCBS/MLTSS benefits through FFS or the MCOs. CMS requires the state to report and review these metrics quarterly

and upon a negative change from quarter to quarter of more than 5%, the state must provide a probable cause for the negative change as well as a corrective action plans that addresses such variances.

- iii. Evidence of sufficient access monitoring and corrective action plans must be provided to the regional office annually and at any other time a significant impact to the MCO's operations are administered.
- C. HCBS/MLTSS oversight and monitoring activities related to DDD's administration of the Supports Program and all other programs under the demonstration to demonstrate that the State Medicaid Agency (SMA) retains authority and responsibility for program operations and oversight activities including reporting for each program operating under the demonstration;
- D. All substantiated adverse incidents including abuse, neglect, exploitation, morality reviews and critical incidents that result in death;
- E. Action plans for addressing any policy, administrative, or budget issues identified;
- F. A description of any actions or sanctions taken by the state against any MCO, SNP, PACE organization, or ASO;
- G. Number of participants who chose an MCO and the number of participants who change plans after being auto-assigned;
- H. Number of new LTSS assessments and person-centered service plans. Services are delivered in accordance with the Person-Centered Plan of Care;
- I. Percent of re-assessments and person-centered service plans review annually; and identification of needs and goals, and access to services (Level of Care/Functional assessment and Person-Centered Plan of Care at least annually);
- J. Percent of Providers that meet the required qualifications;
- K. Percent of settings that meet the home and community-based setting requirements for those services that could be authorized under 1915(c) and 1915(i);
- L. Number of people self-directing services. If applicable, number of employer authority and number of budget authority;
- M. Number of substantiated incidents of neglect, exploitation or abuse (broken out by category) and average time to resolution;
- N. Evidence that the SMA maintains financial accountability through payment of claims for services that are authorized and furnished to 1115 participants by qualified providers;
- O. Other data relevant to system rebalancing;
- P. The state will also require the MCOs to establish processes and provide assurances to the state regarding access standards described in 42 CFR.438, Subpart D including availability of services, adequate capacity and services, coordination and continuity of care, and coverage and authorization of services.
- Q. The State Medicaid Agency will make a preliminary selection of HEDIS, OASIS, Medicaid Adult and Child Quality Measures and other performance measures as appropriate, and may adjust the underlying methodology to account for the unique features of the MLTSS. These may include: reductions in NF placements, timely initiation of MLTSS, reduction in hospital readmissions, and percent of Medicaid funding spent on HCBS including MLTSS. The measures will take into consideration particular programs, groups, geographic areas, and characteristics of the MCO.

71. Additional Demonstration Annual Operational Report Requirements. In addition to the fourth quarter information and the aggregated components of the Quarterly Reports, the Annual Report must, at a minimum, include the requirements outlined below:

- a. Items included in the Quarterly Reports must be summarized to reflect the operation/activities throughout the DY;
- b. Total annual expenditures for the demonstration population for each DY, with administrative costs reported separately;
- c. Total contributions, withdrawals, balances, and credits;
- d. Yearly enrollment reports for demonstration enrollees for each DY (enrollees include all individuals enrolled in the demonstration) that include the member months, as required to evaluate compliance with the budget neutrality agreement;
- e. A report of service use by program including each HCBS program (encounter data);
- f. A summary of the use of self-directed service delivery options in the state;
- g. A general update on the collection, analysis and reporting of data by the plans at the aggregate level;
- h. Monitoring of the quality and accuracy of screening and assessment of participants who qualify for HCBS/MLTSS;
- i. GEO access reports from each participating MCO;
- j. Waiting list(s) information by program including number of people on the list and the amount of time it takes to reach the top of the list where applicable;
- k. The various service modalities employed by the state, including updated service models, opportunities for self-direction in additional program, etc.;
- l. Specific examples of how HCBS have been used to assist participants;
- m. A description of the intersection between demonstration MLTSS and any other state programs or services aimed at assisting high-needs populations and rebalancing institutional expenditures (e.g. New Jersey's Money Follows the Person demonstration, other federal grants, optional Medicaid Health Home benefit, behavioral health programs, etc.);
- n. A summary of the outcomes of the state's Quality Strategy for HCBS as outlined in STC 68;
- o. Efforts and outcomes regarding the establishment of cost-effective MLTSS in community settings using industry best practices and guidelines;
- p. Policies for any waiting lists where applicable;
- q. The state may also provide CMS with any other information it believes pertinent to the provision of the HCBS and their inclusion in the demonstration, including innovative practices, certification activity, provider enrollment and transition to managed care special populations, workforce development, access to services, the intersection between the provision of HCBS and Medicaid behavioral health services, rebalancing goals, cost-effectiveness, and short and long-term outcomes;
- r. A report of the results of the state's monitoring activities of critical incident reports; and
- s. Medical Loss Ratio (MLR) reports for each participating MCO.

- 72. Comprehensive Quality Strategy (CQS).** The state must implement and maintain a written, comprehensive quality strategy for assessing and improving the quality of health care and services furnished to all Medicaid beneficiaries in the state inclusive of all delivery systems (managed care and fee for service). The CQS must:
- A. Meet all the requirements of 42 CFR 438.340 and 42 CFR 457.1240(e), including those related to the development, revision, evaluation, and availability of a quality strategy.
 - B. Describe the state’s approach to how it will improve its performance on the Medicaid and CHIP Child and Adult Core Set measures currently (calendar year 2016) reported to CMS, and its plans for reporting additional Core Set measures relevant to this demonstration.
 - C. Include the state’s goals and objectives for continuous quality improvement for its Medicaid program, which must be measurable and take into consideration the health status of all populations served by the Medicaid program. These Medicaid program-wide goals will be in addition to the managed care program-specific goals and objectives required per 42 CFR 438.340. To the extent practicable, the state will utilize measures from the CMS Child and Adult Core sets to assess its progress on the goals and objectives in the CQS. Any performance measures used to assess progress on the Medicaid program-wide goals and objectives must include fee for service and managed care beneficiaries in the denominator and be able to be stratified by delivery system.
 - D. Identify the specific quality metrics and performance targets for measuring improvement and performance in the state’s Medicaid program, including the identification of which quality metrics and performance outcomes the state will publish at least annually on the state’s public Medicaid web site. These Medicaid program-wide quality metrics and performance targets will be in addition to the managed care program-specific quality metrics and performance targets required per 42 CFR 438.340. The state must align measurement to the extent practicable with the Medicaid and CHIP Child and Adult Core Sets, and include fee for service and managed care beneficiaries in those metrics.
- 73. Close out Operational Report.** Within 120 calendar days prior to the expiration of the demonstration, the state must submit a Draft Final Operational Report to CMS for comments.
- a. The draft final report must comply with the most current Guidance from CMS.
 - b. The state will present to and participate in a discussion with CMS on the Close-Out report.
 - c. The state must take into consideration CMS’ comments for incorporation into the final Close-Out Report.
 - d. The Final Close-Out Report is due to CMS no later than 30 calendar days after receipt of CMS’ comments.
 - e. A delay in submitting the draft or final version of the Close-Out Report may subject the state to penalties described in STC 61.
- 74. State Data Collection.** The state must collect data and information necessary to

oversee service utilization and rate setting by provider/plan, comply with the Core Set of Children’s Health Care Quality Measures for Medicaid and CHIP (Child Core Set) and the Core Set of Adult Health Care Quality Measures for Medicaid (Adult Core Set), collectively referred to as the CMS Child and Adult Core Measure Sets for Medicaid and CHIP, and comply with other existing federal measure sets.

- a. The state will use this information in ongoing monitoring of individual well-being, provider/plan performance, and continuous quality improvement efforts, in addition to complying with CMS reporting requirements.
- b. The state must maintain data dictionary and file layouts of the data collected.
- c. The raw and edited data must be made available to CMS within 30 calendar days of a written request.

75. Monitoring Calls. CMS will convene periodic conference calls with the state.

- a. The purpose of these calls is to discuss any significant actual or anticipated developments affecting the demonstration.
- b. CMS will provide updates on any amendments or concept papers under review, as well as federal policies and issues that may affect any aspect of the demonstration.
- c. The state and CMS will jointly develop the agenda for the calls.
- d. Areas to be addressed during the monitoring call include, but are not limited to:
 - i. Transition and implementation activities;
 - ii. Stakeholder concerns;
 - iii. Operations and performance;
 - iv. Enrollment;
 - v. Cost sharing;
 - vi. Quality of care;
 - vii. Beneficiary access;
 - viii. Benefit package and wrap around benefits;
 - ix. Audits;
 - x. Lawsuits;
 - xi. Financial reporting and budget neutrality issues;
 - xii. Progress on evaluation activities and contracts;
 - xiii. Related legislative developments in the state; and
 - xiv. Any demonstration changes or amendments the state is considering.

76. Post Award Forum. Pursuant to 42 CFR 431.420(c), within six (6) months of the demonstration’s implementation, and annually thereafter, the state must afford the public with an opportunity to provide meaningful comment on the progress of the demonstration. At least 30 calendar days prior to the date of the planned public forum, the state must publish the date, time and location of the forum in a prominent location on its website. The state must also post the most recent annual report on its website with the public forum announcement. Pursuant to 42 CFR 431.420(c), the state must include a summary of the comments in the Quarterly Report associated with the quarter in which the forum was held, as well as in its compiled Annual Report.

77. Independent Evaluator. At the beginning of the demonstration period, the state must

arrange with an independent party to conduct an evaluation of the demonstration to ensure that the necessary data is collected at the level of detail needed to research the approved hypotheses. The independent party must sign an agreement to conduct the demonstration evaluation in accord with the CMS-approved, draft Evaluation Design. For scientific integrity, every effort should be made to follow the approved methodology. The state evaluation must follow the approved methodology, however, the state may request, and CMS may agree to, changes in the methodology in appropriate circumstances.

78. Evaluation Budget. A budget for the evaluation must be provided with the draft Evaluation Design. It will include the total estimated cost, as well as a breakdown of estimated staff, administrative and other costs for all aspects of the evaluation such as any survey and measurement development, quantitative and qualitative data collection and cleaning, analyses and report generation. A justification of the costs may be required by CMS if the estimates provided do not appear to sufficiently cover the costs of the design or if CMS finds that the design is not sufficiently developed, or if the estimates appear to be excessive.

- a. **Cost-effectiveness.** While not the only purpose of the evaluation, the core purpose of the evaluation is to support a determination as to whether the preponderance of the evidence about the costs and effectiveness of the demonstration when considered in its totality demonstrates cost effectiveness taking into account both initial and longer term costs and other impacts such as improvements in service delivery and health outcomes.
 - i. The evaluation will explore and explain through developed evidence the effectiveness of the demonstration for each hypothesis, including total costs in accordance with the evaluation design as approved by CMS.
 - ii. Included in the evaluation will be examinations using a robust set of measures of provider access and clinical quality measures under the demonstration compared to what would have happened for a comparable population absent the demonstration.
 - iii. The state will compare total costs under the demonstration to costs of what would have happened without the demonstration. This will include an evaluation of provider rates, healthcare utilization and associated costs, and administrative expenses over time.
 - iv. The state will compare changes in access and quality to associated changes in costs within the demonstration. To the extent possible, component contributions to changes in access and quality and their associated levels of investment will be determined and compared to improvement efforts undertaken in other delivery systems.

79. Draft Evaluation Design. The draft Evaluation Design must be developed in accordance with Attachments K and L of these STCs. The state must submit, for CMS comment and approval, a draft Evaluation Design with implementation timeline, no

later than one hundred twenty (120) days after the effective date of these STCs. Any modifications to an existing approved Evaluation Design will not affect previously established requirements and timelines for report submission for the demonstration, if applicable. The state may choose to use the expertise of the independent party in the development of the draft Evaluation Design.

80. Evaluation Design Approval and Updates. The state’s draft Evaluation Design may be subject to multiple revisions until a format and the content is agreed upon by CMS. The state must submit a revised draft Evaluation Design within 60 days after receipt of CMS’ comments. Upon CMS approval of the draft Evaluation Design, the document will be included as an attachment to these STCs. Per 42 CFR 431.424(c), the state will publish the approved Evaluation Design within 30 calendar days of CMS approval. The state must implement the evaluation design and submit a description of its evaluation implementation progress in each of the Quarterly Reports and Annual Reports, including any required Rapid Cycle Assessments specified in these STCs.

81. Evaluation Questions and Hypotheses. Consistent with Attachments K and L of these STCs, the evaluation documents must include a discussion of the evaluation questions and hypotheses that the state intends to test. Each waiver and expenditure authority should have at least one evaluation question and hypothesis. The hypothesis testing should include, where possible, assessment of both process and outcome measures. Proposed measures should be selected from nationally-recognized sources and national measures sets, where possible. Measures sets could include CMS’s Core Set of Health Care Quality Measures for Children in Medicaid and CHIP, Consumer Assessment of Health Care Providers and Systems (CAHPS), the Initial Core Set of Health Care Quality Measures for Medicaid-Eligible Adults and/or measures endorsed by National Quality Forum (NQF).

82. State Must Separately Evaluate Components of the Demonstration. The outcomes from each evaluation component must be integrated into one programmatic summary that describes whether the state met the demonstration goal, with recommendations for future efforts regarding all components.

- a. At a minimum, the draft Evaluation Design must include a discussion of the goals, objectives, and specific hypotheses that are being tested. The draft design will discuss:
 - i. The outcome measures to be used in evaluating the impact of the demonstration during the period of approval, particularly among the target population;
 - ii. The data sources and sampling methodology for assessing these outcomes; and
 - iii. A detailed analysis plan that describes how the effects of the demonstration are isolated from other initiatives occurring in the state. The evaluation must outline and address evaluation questions for all of the following components:
 1. What is the impact of the managed care expansion on access to

- care, the quality, efficiency, and coordination of care, and the cost of care?
2. What is the impact of including long-term care services in the capitated managed care benefit on access to care, quality of care, and mix of care settings employed?
 3. What is the impact of the hypothetical spend-down provision on the Medicaid eligibility and enrollment process? What economies or efficiencies were achieved, and if so, what were they? Was there a change in the number of individuals or on the mix of individuals qualifying for Medicaid due to this provision?
 4. What is the impact of using self-attestation on the Transfer of assets look-back period of long term care and home and community based services for individuals who are at or below 100 percent of the FPL. Was there a change in the number of individuals or on the mix of individuals qualifying for Medicaid due to this provision?
 5. What is the impact of providing additional home and community-based services to Medicaid and CHIP beneficiaries with serious emotional disturbance, opioid addiction, behavioral/mental health issues, or intellectual disabilities/developmental disabilities?
 6. What is the impact of providing home and community-based services to expanded eligibility groups, who would otherwise have not been eligible for Medicaid or CHIP absent the demonstration?
 7. What is the impact of the program to provide a safe, stable, and therapeutically supportive environment for children from age 5 up to age 21 with serious emotional disturbance who have, or who would otherwise be at risk for, institutionalization?
 8. What is the impact of mandating individuals who are eligible for NJFC and have access to employee sponsored insurance into the premium assistance program; as conditional of eligibility?
 9. What is the impact of providing substance use disorder services to Medicaid beneficiaries? Including paying for SUD services for individuals ages 21-64 that are rendered in an institution for mental disease (IMD)?
 10. Was the DSRIP program effective in achieving the goals of better care for individuals (including access to care, quality of care, health outcomes), better health for the population, or lower cost through improvement? To what degree can improvements be attributed to the activities undertaken under DSRIP?
 11. What do key stakeholders (covered individuals and families, advocacy groups, providers, health plans) perceive to be the strengths and weaknesses, successes and challenges of the expanded managed care program, and of the DSRIP pool? What changes would these stakeholders recommend to improve program operations and outcomes?

83. Interim Evaluation Report. The state must submit an Interim Evaluation Report for the completed years of the demonstration, and for each subsequent renewal or extension of the demonstration, as outlined in 42 CFR 431.412(c)(2)(vi). When submitting an application for renewal, the Evaluation Report should be posted to the state's website with the application for public comment.

- a. The interim evaluation report will discuss evaluation progress and present findings to date as per the approved evaluation design.
- b. For demonstration authority that expires prior to the overall demonstration's expiration date, the Interim Evaluation Report must include an evaluation of the authority as approved by CMS.
- c. If the state is seeking to renew or extend the demonstration, the draft Interim Evaluation Report is due when the application for renewal is submitted. If the state made changes to the demonstration in its application for renewal, the research questions and hypotheses, and how the design was adapted should be included. If the state is not requesting a renewal for a demonstration, an Interim Evaluation report is due one (1) year prior to the end of the demonstration. For demonstration phase outs prior to the expiration of the approval period, the draft Interim Evaluation Report is due to CMS on the date that will be specified in the notice of termination or suspension.
- d. The state must submit the final Interim Evaluation Report 60 calendar days after receiving CMS comments on the draft Interim Evaluation Report and post the document to the state's website.
- e. The Interim Evaluation Report must comply with Attachment L of these STCs.

84. Summative Evaluation Report. The draft Summative Evaluation Report must be developed in accordance with Attachment K of these STCs. The state must submit a draft Summative Evaluation Report for the demonstration's current approval period, July 1, 2017 – June 30, 2022, within 18 months of the end of the approval period represented by these STCs. The Summative Evaluation Report must include the information in the approved Evaluation Design.

- a. Unless otherwise agreed upon in writing by CMS, the state must submit the final Summative Evaluation Report within 60 calendar days of receiving comments from CMS on the draft.
- b. The final Summative Evaluation Report must be posted to the state's Medicaid website within 30 calendar days of approval by CMS.

85. State Presentations for CMS. CMS reserves the right to request that the state present and participate in a discussion with CMS on the Evaluation Design, the interim evaluation, and/or the summative evaluation.

86. Public Access. The state must post the final documents (e.g., Quarterly and Annual Reports, Final Operational Report, approved Evaluation Design, Interim Evaluation Report, and Summative Evaluation Report) on the state's Medicaid website within 30 calendar days of approval by CMS.

- A. For a period of twenty-four (24) months following CMS approval of the final reports, CMS will be notified prior to the public release or presentation of these reports or their findings, including in related publications (including, for example, journal articles), by the state, contractor, or any other third party directly connected to the demonstration. Prior to release of these reports, articles or other publications, CMS will be provided a copy including any associated press materials. CMS will be given 30 calendar days to review and comment on publications before they are released. CMS may choose to decline to comment or review some or all of these notifications and reviews.
- B. The Evaluation Design is required to be posted to the state's website within 30 calendar days of CMS approval.

XIII. GENERAL FINANCIAL REQUIREMENTS UNDER TITLE XIX

87. Reporting Expenditures under the Demonstration. The following describes the reporting of expenditures subject to the Budget Neutrality agreement:

- a. Tracking Expenditures. In order to track expenditures under this demonstration, the state must report demonstration expenditures through the Medicaid and Children's Health Insurance Program Budget and Expenditure System (MBES/CBES), following routine CMS-64 reporting instructions outlined in section 2500 of the State Medicaid Manual. All demonstration expenditures claimed under the authority of title XIX of the Act and subject to the BN expenditure limit must be reported each quarter on separate Forms CMS-64.9 Waiver and/or 64.9P Waiver, identified by the demonstration project number (11-W-00304/0) assigned by CMS, including the project number extension which indicates the Demonstration Year (DY) in which services were rendered.
- b. Cost Settlements. For monitoring purposes, cost settlements attributable to the demonstration must be recorded on the appropriate prior period adjustment schedules (Form CMS-64.9P Waiver) for the Summary Sheet Line 10B, in lieu of Lines 9 or 10C. For any cost settlement not attributable to this demonstration, the adjustments should be reported as otherwise instructed in the State Medicaid Manual.
- c. Pharmacy Rebates. When claiming these expenditures the state may refer to the July 24, 2014 CMCS Informational Bulletin which contains clarifying information for quarterly reporting of Medicaid Drug Rebates in the Medicaid Budget and Expenditures (MBES) (<http://www.medicaid.gov/Federal-Policy-Guidance/downloads/CIB-07-24-2014.pdf>). The state must adhere to the requirement at section 2500.1 of the State Medicaid Manual that all state collections, including drug rebates, must be reported on the CMS-64 at the applicable Federal Medical Assistance Percentage (FMAP) or other matching rate at which related expenditures were originally claimed. Additionally, we are specifying that states unable to tie drug rebate amounts directly to individual drug expenditures may utilize an allocation methodology for determining the appropriate Federal share of drug rebate amounts reported quarterly. This information identifies the parameters that states are required to adhere to when

making such determinations.

Additionally, this information addresses how states must report drug rebates associated with the new adult eligibility group described at 42 CFR §435.119. States that adopt the new adult group may be eligible to claim drug expenditures at increased matching rates. Drug rebate amounts associated with these increased matching rates must be reported at the same matching rate as the original associated prescription drug expenditures.

- d. Use of Waiver Forms. For each demonstration year, separate Forms CMS-64.9 Waiver and/or 64.9P Waiver must be completed, using the ~~nine~~ waiver names listed below. Expenditures should be allocated to these forms based on the guidance which follows.
- i. “Title XIX”
 - ii. “New Adult Group”
 - iii. “ABD”
 - iv. “LTC”
 - v. “HCBS – State Plan”
 - vi. “HCBS – 217 Like”
 - vii. “SED 217-Like”
 - viii. “IDD/MI 217 Like”
 - ix. “IDD/OOS”
 - x. “Supports Expansion”: Expenditures for health related cost for individuals in the Supports Program are to be reported under this MEG
 - xi. “SED at Risk”
 - xii. “MATI at Risk”
 - xiii. “DDD non-Disabled Adult Child”
 - xiv. “DDD Community/Supports”
 - xv. “CCW”
 - xvi. “DSRIP”: All Delivery Reform Incentive Payment program payments are to be reported under this MEG.
 - xvii. “SUD IMD Services MEG 1”: All expenditures for costs of medical assistance that could be covered, were it not for the IMD prohibition under the state plan, provided to otherwise eligible individuals during a month in an IMD including no less than 8 hours per week of counseling services on at least five (5) separate occasions. A minimum of seven (7) hours per day of structured activities must be provided on each billable day.

SUD IMD Services MEG 1 are State Plan Services defined as treatment or therapeutic community provided in a licensed long term residential facility which provides a structured recovery environment, combined with professional clinical services, designed to address addiction and living skills problems for persons with substance abuse diagnosis who require longer treatment stays to support and promote recovery.
 - xviii. “SUD IMD Services” MEG 2: All expenditures for costs of medical assistance that could be covered, were it not for the IMD prohibition under the state plan provided to otherwise eligible individuals during a month in

which they were in an IMD including no less than twelve (12) hours per week of counseling services on at least six (6) separate occasions. A minimum of seven (7) hours of structured programming must be provided on a billable day.

IMD Services MEG 2 are provided in a licensed short term residential facility which provides a highly structured recovery environment, combined with a commensurate level of professional clinical services, designed to address specific addiction and living skills problems for persons who are deemed amenable to intervention through short-term residential treatment.

- xv. “SUD IMD Services” MEG 3: All expenditures for costs of medical assistance that could be covered, were it not for the IMD prohibition under the state plan provided to otherwise eligible individuals during a month in an IMD for care of withdrawal signs and symptoms that are sufficiently severe to require 24-hour medical monitoring care. Detoxification includes a minimum of two (2) hours per week of counseling services.

SUD IMD Services MEG 3 is an organized service delivered by medical and nursing professionals, which provides 24-hour medically supervised evaluation and withdrawal management in a permanent facility with inpatient beds. Services are delivered under a defined set of physician-approved policies and physician monitored procedures for clinical protocols. Medical Services: Must be provided in the facility under the supervision of a Medical Director. All other licensing requirements for medical services must be followed.

- e. In the event a beneficiary receives multiple SUD IMD services during a single member month (for example, SUD IMD Services MEG 2 and SUD IMD Services MEG 3), all services provided during said member month shall be reported according to the first SUD IMD stay in the month to prevent double counting of expenditures.

88. Budget Neutrality Monitoring Tool. The state and CMS will jointly develop a BN monitoring tool (using a mutually agreeable spreadsheet program) for the state to use for quarterly BN status updates including established baseline and member months data and other in situations when an analysis of BN is required. The tool will incorporate the “C Report” for monitoring actual expenditures subject to BN. A working version of the monitoring tool will be available for the state’s first Annual Report.

89. Demonstration Years. The first demonstration year (6) under the extension will be the year effective date of the August 1, 2017 through June 30, 2022 and subsequent DYs will be defined as follows:

Demonstration Year 6	August 1, 2017 to June 30, 2018	11 months
----------------------	---------------------------------	-----------

Demonstration Year 7	July 1, 2018 to June 30, 2019	12 months
Demonstration Year 8	July 1, 2019 to June 30, 2020	12 months
Demonstration Year 9	July 1, 2020 to June 30, 2021	12 months
Demonstration Year 10	July 1, 2021 to June 30, 2022	12 months

90. **Expenditures Subject to the Budget Neutrality Agreement.** For the purpose of this section, the term “expenditures subject to the budget neutrality limit” will include the following:

- a. All medical assistance expenditures (including those authorized in the Medicaid State plan, through section 1915(c) waivers, and through section 1115 waivers and expenditure authorities, but excluding the increased expenditures resulting from the mandated increase in payments to physicians) made on behalf of all demonstration participants listed in the table in STC 104, with dates of service within the demonstration’s approval period;
- b. All DSRIP Payments.

91. **Administrative Costs.** Administrative costs will not be included in the budget neutrality limit, but the state must separately track and report additional administrative costs that are directly attributable to the demonstration, using separate CMS-64.10 waiver and 64.10 waiver forms, with waiver name “ADM”.

92. **Claiming Period.** All claims for expenditures subject to the budget neutrality limit (including any cost settlements) must be made within two (2) years after the calendar quarter in which the state made the expenditures. Furthermore, all claims for services during the demonstration period (including any cost settlements) must be made within two (2) years after the conclusion or termination of the demonstration. During the latter 2-year period, the state must continue to identify separately net expenditures related to dates of service during the operation of the section 1115 demonstration on the Form CMS-64 in order to properly account for these expenditures in determining budget neutrality.

93. **Reporting Member Months.** The following describes the reporting of member months for demonstration populations.

- a. For the purpose of calculating the BN expenditure limit and for other purposes, the state must provide to CMS, as part of the BN Monitoring Tool required under STC 88, the actual number of eligible member months for the MEGs described in (d) below. The state must submit a statement accompanying the BN Monitoring Tool, which certifies the accuracy of this information. To permit full recognition of “in-process” eligibility, reported counts of member months may be subject to revision.
- b. The term "eligible member/months" refers to the number of months in which

persons are eligible to receive services. For example, a person who is eligible for 3 months contributes 3 eligible member months to the total. Two individuals who are eligible for 2 months each contribute 2 eligible member months to the total, for a total of 4 eligible member/months.

- c. The state must report separate member month totals for individuals enrolled in the New Jersey FamilyCare demonstrations and the member months must be subtotaled according to the MEGs defined in STC 93(d) below.
- d. The required member month reporting MEGs are:
 - i. Title XIX
 - ii. New Adult Group
 - iii. HCBS State Plan
 - iii. ABD
 - iv. LTC
 - v. HCBS – State Plan
 - vi. HCBS – 217 Like
 - vii. SED – 217 Like
 - viii. IDD/MI 217 Like
 - ix. IDD/OOS
 - x. Supports Program
 - xi. SED at Risk
 - xii. MATI at Risk
 - xiii. DDD non-Disabled Adult Child
 - xiv. DDD Community/Supports
 - xv. CCW
 - xvi. DSRIP
 - xiii. SUD IMD Services MEG 1
 - xiv. SUD IMD Services MEG 2
 - xv. SUD IMD Services MEG 3
 - a) Collectively, the MEGs listed in (b)(viii) through (b)(viii) are termed the “SUD IMD” MEGs.
 - b) SUD IMD Member Months are months of Medicaid eligibility during which the individual is an inpatient in an IMD under terms of the demonstration for any day during the month and shall be reported separately for each SUD IMD MEG, as applicable.

94. **Standard Medicaid Funding Process.** The standard Medicaid funding process must be used during the demonstration. The state must estimate matchable Medicaid expenditures (total computable and federal share) subject to the budget neutrality expenditure limit and separately report those expenditures by quarter for each FFY on the Form CMS-37 (narrative section) for both Medical Assistance Payments (MAP) and state and Local Administrative Costs (ADM). As a supplement to the Form CMS-37, the state will provide updated estimates of expenditures subject to the budget neutrality limit. CMS will make federal funds available based upon the state's estimate, as approved by CMS. Within 30

calendar days after the end of each quarter, the state must submit the Form CMS-64 quarterly Medicaid expenditure report, showing Medicaid expenditures made in the quarter just ended. CMS will reconcile expenditures reported on the Form CMS-64 quarterly with federal funding previously made available to the state, and include the reconciling adjustment in the finalization of the grant award to the state.

95. **Extent of Federal Financial Participation for the Demonstration.** Subject to CMS approval of the source(s) of the non-federal share of funding. CMS will provide FFP at the applicable federal matching rate for the demonstration as a whole for the following, subject to the limits described in Section XIV:
- a. Administrative costs, including those associated with the administration of the demonstration;
 - b. Net expenditures and prior period adjustments of the Medicaid program that are paid in accordance with the approved Medicaid state plan; and
 - c. Medical assistance expenditures and prior period adjustments made under section 1115 demonstration authority with dates of service during the demonstration extension period; including those made in conjunction with the demonstration, net of enrollment fees, cost sharing, pharmacy rebates, and all other types of third party liability.
96. **Sources of Non-Federal Share.** The state certifies that the matching non-federal share of funds for the demonstration is state/local monies. The state further certifies that such funds must not be used as the match for any other federal grant or contract, except as permitted by law. All sources of non-federal funding must be compliant with section 1903(w) of the Act and applicable regulations. In addition, all sources of the non-federal share of funding are subject to CMS approval.
- a. CMS may review at any time the sources of the non-federal share of funding for the demonstration. The state agrees that all funding sources deemed unacceptable by CMS must be addressed within the time frames set by CMS.
 - b. Any amendments that impact the financial status of the program must require the state to provide information to CMS regarding all sources of the non-federal share of funding.
 - c. The state assures that all health care-related taxes comport with section 1903(w) of the Act and all other applicable federal statutory and regulatory provision, as well as the approved Medicaid state plan.
97. **State Certification of Funding Conditions.** Under all circumstances, health care providers must retain 100 percent of the reimbursement amounts claimed by the state as demonstration expenditures. Moreover, no pre-arranged agreements (contractual or otherwise) may exist between the health care providers and the state government to return and/or redirect any portion of the Medicaid payments. This confirmation of Medicaid payment retention is made with the understanding

that payments that are the normal operating expenses of conducting business (such as payments related to taxes—including health care provider-related taxes—fees, and business relationships with governments that are unrelated to Medicaid and in which there is no connection to Medicaid payments) are not considered returning and/or redirecting a Medicaid payment.

98. **Program Integrity.** The state must have a process in place to ensure that there is no duplication of federal funding for any aspect of the demonstration.

XIV. MONITORING BUDGET NEUTRALITY FOR THE DEMONSTRATION

99. **Limit on Title XIX Funding.** The state will be subject to a limit on the amount of federal title XIX funding that the state may receive on selected Medicaid expenditures during the period of approval of the demonstration. The limit is determined by using the per capita cost method described in STCs 100 and 101, and budget neutrality expenditure limits are set on a yearly basis with a cumulative budget neutrality expenditure limit for the length of the entire demonstration. Actual expenditures subject to the budget neutrality expenditure limit must be reported by the state using the procedures described in section XII. The data supplied by the state to CMS to set the annual caps is subject to review and audit, and if found to be inaccurate, will result in a modified budget neutrality expenditure limit. CMS' assessment of the state's compliance with these annual limits will be done using the Schedule C report from the CMS-64.
100. **Risk.** The state will be at risk for the per capita cost (as determined by the method described below) for state plan and hypothetical populations, but not at risk for the number of participants in the demonstration population. By providing FFP without regard to enrollment in the for all demonstration populations, CMS will not place the state at risk for changing economic conditions. However, by placing the state at risk for the per capita costs of the demonstration populations, CMS assures that the demonstration expenditures do not exceed the levels that would have been realized had there been no demonstration.
101. **Calculation of the Budget Neutrality Limit and How It Is Applied.** For the purpose of calculating the overall budget neutrality limit for the demonstration, separate annual budget limits will be calculated for each DY on a total computable basis, by multiplying the predetermined PMPM cost for each EG (shown on the table in STC 103) by the corresponding actual member months total, and summing the results of those calculations. The annual limits will then be added together to obtain a budget neutrality limit for the entire demonstration period. The federal share of this limit will represent the maximum amount of FFP that the state may receive during the demonstration period for the types of demonstration expenditures described below. The federal share will be calculated by multiplying the total computable budget neutrality limit by Composite Federal Share 1, which is defined in STC 105 below. The demonstration expenditures

subject to the budget neutrality limit are those reported under the following Waiver Names (Title XIX, ABD, LTC, HCBS – State Plan, New Adult group, SED at Risk, SUD IMD and DSRIP), plus any excess spending from the Supplemental Tests described in STC 104.

102. **Impermissible DSH, Taxes, or Donations.** CMS reserves the right to adjust the budget neutrality ceiling to be consistent with enforcement of laws and policy statements, including regulations and letters regarding impermissible provider payments, health care related taxes, or other payments (if necessary adjustments must be made). CMS reserves the right to make adjustments to the budget neutrality limit if any health care related tax that was in effect during the base year, or provider-related donation that occurred during the base year, is determined by CMS to be in violation of the provider donation and health care related tax provisions of section 1903(w) of the Social Security Act. Adjustments to annual budget targets will reflect the phase out of impermissible provider payments by law or regulation, where applicable.

103. **Main Budget Neutrality Test.** The trend rates and per capita cost estimates for each EG for each year of the demonstration are listed in the table below. The PMPM cost estimates are based on actual Medicaid PMPM costs from SFY 2012-2017, trended forward using trends based on the lower of state historical trends from SFY 2012 to 2017 and the FFY 2018 President’s Budget trends.

MEG	TREND	DY 6 – PMPM	DY 7 – PMPM	DY8 – PMPM	DY9 – PMPM	–DY10 – PMPM
Title XIX	4.1%	\$427	\$445	\$463	\$482	\$502
ABD	3.6%	\$1,295	\$1,342	\$1,390	\$1,440	\$1,492
LTC*	3.9%	\$10,460	\$10,868	\$11,292	\$11,732	\$12,189
HCBS – State Plan**	3.7%	\$2,714	\$2,814	\$2,918	\$3,026	\$3,138

104. **Supplemental Tests.**

a. **Supplemental Budget Neutrality Test 1: Hypothetical Eligibility Groups and the Hypotheticals Test.** Budget neutrality agreements may include optional Medicaid populations that could be added under the state plan but have not been and are not included in current expenditures. However, the agreement will not permit accumulate or access to budget neutrality “savings.” A prospective per capita cap on federal financial risk is established for these groups based on the costs that the population is expected to incur under the demonstration.

i. The MEGs listed in the table below are the hypothetical groups included in the calculation of the Hypotheticals Cap.

MEG	TREND	DY 6 –	DY 7–	DY8 –	DY9 –	–DY10–
-----	-------	--------	-------	-------	-------	--------

		PMPM	PMPM	PMPM	PMPM	PMPM
HCBS 217-Like	3.7%	\$2,706	\$2,806	\$2,910	\$3,018	\$3,130
SED – 217 Like	4.7%	\$2,969	\$3,109	\$3,255	\$3,408	\$3,568
IDD/MI – 217 Like	4.7%	\$13,006	\$13,617	\$14,257	\$14,927	\$15,629

- ii. The Hypotheticals Cap is calculated by taking the PMPM cost projection for each group and in each DY times the number of eligible member months for that group in that DY, and adding the products together across groups and DYs. The federal share of the Hypotheticals Cap is obtained by multiplying the Hypotheticals Cap by Composite Federal Share 2.
- iii. The Hypotheticals Test is a comparison between the federal share of the Hypotheticals Cap and total FFP reported by the state for hypothetical groups under the following Waiver Names (HCBS 217-Like, SED – 217 Like, IDD/MI – 217 Like,).
- iv. If total FFP for hypothetical groups should exceed the federal share of the Hypotheticals Cap, the difference must be reported as a cost against the budget neutrality limit described in STC 101 of these STCs.

b. **Supplemental Budget Neutrality Test 2: New Adult Group.** Effective January 1, 2014, adults eligible for Medicaid as the group defined in section 1902(a)(10)(A)(i)(VIII) of the Act are included in this demonstration, and in budget neutrality. However, the state will not be allowed to obtain budget neutrality “savings” from this population. Therefore, a separate expenditure cap is established for medical expenditures for this group, to be known as Supplemental Budget Neutrality Test 2.

- i. The MEG listed in the table below is included in Supplemental Budget Neutrality Test 2.

MEG	TREND	DY 6 – PMPM	DY7– PMPM	DY8 – PMPM	–DY9 – PMPM	DY 10– PMPM
New Adult Group	4.7%	\$466.74	\$488.68	\$511.65	\$535.70	\$560.87

- ii. If the state’s experience of the take up rate for the new adult group and other factors that affect the costs of this population indicates that the PMPM limit described above in subparagraph (a) may underestimate the actual costs of medical assistance for the new adult group, the state may submit an adjustment to subparagraph (a) for CMS review without

submitting an amendment pursuant to STC 7. Adjustments to the PMPM limit for a demonstration year must be submitted to CMS by no later than October 1 of the demonstration year for which the adjustment would take effect.

- iii. Supplemental Cap 2 is calculated by taking the PMPM cost projection for New Adult Group in each DY, times the number of eligible member months for New Adult Group and DY, and adding the products together across DYs. The federal share of Supplemental Cap 2 is obtained by multiplying Supplemental Cap 2 by Composite Federal Share 3.
- iv. Supplemental Budget Neutrality Test 2 is a comparison between the federal share of Supplemental Cap 2 and total FFP reported by the state for New Adult Group.

c. **Supplemental Budget Neutrality Test 3: Substance Use Disorder Expenditures.** As part of the SUD initiative, the state may receive FFP for the continuum of services to treat OUD and other SUDs, provided to Medicaid enrollees in an IMD. These are state plan services that would be eligible for reimbursement if not for the IMD exclusion. Therefore, they are being treated as hypothetical. The state may only claim FFP via demonstration authority for the services listed in Table B that will be provided in an IMD. However, the state will not be allowed to obtain budget neutrality “savings” from these services. Therefore, a separate expenditure cap is established for SUD IMD services, to be known as Supplemental Budget Neutrality Test 3.

- i. The MEG(s) listed in the table below is/are included in SUD IMD Supplemental BN Test(s).

SUD MEG(s)	Trend Rate	DY 06 PMPM	DY 07 PMPM	DY 08 PMPM	DY 09 PMPM	DY 10 PMPM
SUD IMD Services MEG 1	4.9%	\$3,184	\$3,340	\$3,504	\$3,676	\$3,856
SUD IMD Services MEG 2	4.9%	\$4,123	\$4,325	\$4,537	\$4,760	\$4,993
SUD IMD Services MEG 3	4.9%	\$3,097	\$3,428	\$3,407	\$3,574	\$3,750

- ii. SUD IMD expenditures cap(s) is/are calculated by multiplying the projected PMPM for each SUD IMD MEG, each DY, by the number of actual eligible SUD IMD member months for the same MEG/DY—and summing the products together across all DYs. The federal share of the SUD IMD expenditure cap(s)

is/are obtained by multiplying those caps by the Composite Federal Share (see STC 105).

- iii. SUD IMD Supplemental BN Test(s) is/are a comparison between the federal share of SUD IMD expenditure cap(s) and total FFP reported by the state for the SUD IMD MEG(s).

105. **Composite Federal Share Ratios.** The Composite Federal Share is the ratio calculated by dividing the sum total of FFP received by the state on actual demonstration expenditures during the approval period, as reported through the MBES/CBES and summarized on Schedule C, with consideration of additional allowable demonstration offsets such as, but not limited to, premium collections and pharmacy rebates, by total computable demonstration expenditures for the same period as reported on the same forms. There are three Composite Federal Share Ratios for this demonstration: Composite Federal Share 1, based on the expenditures reported under the Waiver Names listed in STC 87, Composite Federal Share 2, based on the Waiver Names listed in STC 104(a)(iii), and Composite Federal Share 3, based on the Waiver Name listed in STC 104(b)(iii). For the purpose of interim monitoring of budget neutrality, a reasonable estimate of Composite Federal Share may be developed and used through the same process or through an alternative mutually agreed upon method.

106. **Recognizing Budget Neutrality Savings.** Beginning July 1, 2017 (SFY 2017/DY6), the net variance between the without-waiver cost and actual with-waiver cost will be reduced for selected Medical population based EGs. The reduced variance, to be calculated as a percentage of the total variance, will be used in place of the total variance to determine overall budget neutrality for the demonstration. (Equivalently, the difference between the total variance and reduced variance could be subtracted from the without-waiver cost estimate.) For the first five years that an eligibility group is enrolled in managed care, savings are carried forward in full. For the first five years that a set of services is subject to managed care, savings are also carried forward in full. The formula for calculating the reduced variance is: reduced variance equals total variance times applicable percentage. The applicable percentages for each EG and DY are determined based on how long the associated population has been enrolled in managed care subject to this demonstration; lower percentage are for longer established managed care populations. The EGs affected by this provision and the applicable percentages are shown in the table below, except that if the total variance for an EG in a DY is negative, the applicable percentage is 100 percent.

EG	DY 6 PMPM (SFY 2018)	DY 7 PMPM (SFY 2019)	DY 8 PMPM (SFY 2020)	DY 9 PMPM (SFY 2021)	DY 10 PMPM (SFY 2022)
Title XIX	25%	25%	25%	25%	25%
ABD/LTC	63%	58%	53%	48%	43%
HCBS State Plan	100%	100%	100%	100%	100%

107. **Exceeding Budget Neutrality.** The budget neutrality limits calculated in STCs 103 and

104 will apply to actual expenditures for demonstration services as reported by the state under section XI of these STCs. If at the end of the demonstration period the budget neutrality limit has been exceeded, the excess federal funds will be returned to CMS. If the demonstration is terminated prior to the end of the demonstration period, the budget neutrality test will be based on the time period through the termination date.

108. **Enforcement of Budget Neutrality.** If the state exceeds the calculated cumulative target limit by the percentage identified below for any of the DYs, the state must submit a corrective action plan to CMS for approval.

Year	Cumulative target definition	Percentage
DY 6	Cumulative budget neutrality cap plus:	0.25 percent
DY 7	Cumulative budget neutrality cap plus:	0.25 percent
DY 8, 9 and 10	Cumulative budget neutrality cap plus:	0 percent

SCHEDULE OF STATE DELIVERABLES DURING THE DEMONSTRATION

Date	Deliverable	STC
30 days after approval date	State acceptance of demonstration Waivers, STCs, and Expenditure Authorities	Approval letter
30 days after approval date	State submission of revised DSRIP Planning Protocol and revised Funding and Mechanics Protocol	STC 58
90 days after SUD program approval date	SUD Implementation Protocol	STC 40
150 days after SUD program approval date	SUD Monitoring Protocol	STC 40
120 days after approval date	Evaluation Design	STC 79
30 days after CMS Approval	Approved Evaluation Design published to state's website	STC 80
June 30, 2018	DSRIP Transition Plan	STC 52
	Comprehensive Quality Strategy	STC 72
July 1, 2021, or with renewal application	Draft Interim Evaluation Report	STC 83
60 days after receipt of CMS comments	Final Interim Evaluation Report	STC 83
Within 18 months after June 30, 2022	Summative Evaluation Report	STC 84
60 days after receipt of CMS comments	Final Summative Evaluation Report	STC 84
Monthly Deliverables	Monitoring Call	STC 75
Quarterly Deliverables Due 60 days after end of each quarter, except 4 th quarter	Quarterly Progress Reports	STC 70 and Attachment A
	Quarterly Expenditure Reports	STC 70
Annual Deliverables - Due 90 days after end of each 4 th quarter	Annual Reports	STC 70 and Attachment A

Attachment A
New Jersey’s FamilyCare Comprehensive 1115 Demonstration
Quarterly Report Template

Pursuant to STC XX (*Quarterly Progress Report*) of these STCs, the state is required to submit quarterly progress reports to CMS. The purpose of the quarterly report is to inform CMS of significant demonstration activity from the time of approval through completion of the demonstration. The reports are due to CMS 60 days after the end of each quarter. The following report guidelines are intended as a framework and can be modified when agreed upon by CMS and the state. A complete quarterly progress report must include an updated budget neutrality monitoring workbook. An electronic copy of the report narrative, as well as the Microsoft Excel workbook must be provided.

NARRATIVE REPORT FORMAT:

Title Line One –New Jersey FamilyCare Comprehensive Waiver Demonstration

Title Line Two - Section 1115 Quarterly Report

Demonstration/Quarter Reporting Period:

Example: Demonstration Year: 1 (4/1/2011 – 3/31/2012)

Federal Fiscal Quarter: 3/2011 (4/11 - 7/11)

Footer: Date on the approval letter through June 30, 2022

I. Introduction

Present information describing the goal of the demonstration, what it does, and the status of key dates of approval/operation.

II. Enrollment and Benefits Information

Discuss the following:

- Trends and any issues related to eligibility, enrollment, disenrollment, access, and delivery network.
- Any changes or anticipated changes in populations served and benefits. Progress on implementing any demonstration amendments related to eligibility or benefits.

Please complete the following table that outlines all enrollment activity under the demonstration. The state must indicate “N/A” where appropriate. If there was no activity under a particular enrollment category, the state must indicate that by “0”.

III. Enrollment Counts for Quarter

Note: Enrollment counts must be unique enrollee counts, not member months

Demonstration Populations by MEG	Total Number of Demonstration participants Quarter Ending – MM/YY	Total Number of Demonstration participants Quarter Ending – MM/YY	Total Number of Demonstration participants Quarter Ending – MM/YY	Total Number of Demonstration participants Quarter Ending – MM/YY
Title XIX				
ABD				
LTC				
HCBS - State plan				
HCBS - 217-Like				
SED - 217 Like				
IDD/MI - 217 (Like)				
New Adult Group				
Supports Expansion				

IV. Outreach/Innovative Activities to Assure Access

Summarize marketing, outreach, or advocacy activities to potential eligibles and/or promising practices for the current quarter to assure access for demonstration participants or potential eligibles.

V. Collection and Verification of Encounter Data and Enrollment Data

Summarize any issues, activities, or findings related to the collection and verification of encounter data and enrollment data.

VI. Operational/Policy/Systems/Fiscal Developments/Issues

A status update that identifies all other significant program developments/issues/problems that have occurred in the current quarter or are anticipated to occur in the near future that affect health care delivery, including but not limited to program development, quality of care, approval and contracting with new plans, health plan contract compliance and financial performance relevant to the demonstration, fiscal issues, systems issues, and pertinent legislative or litigation activity.

VII. Action Plans for Addressing Any Issues Identified

Summarize the development, implementation, and administration of any action plans for addressing issues related to the demonstration. Include a discussion of the status of action plans implemented in previous periods until resolved.

VIII. Financial/Budget Neutrality Development/Issues

Identify all significant developments/issues/problems with financial accounting, budget neutrality, and CMS 64 and budget neutrality reporting for the current quarter. Identify the state's actions to address these issues.

IX. Member Month Reporting

Enter the member months for each of the EGs for the quarter.

A. For Use in Budget Neutrality Calculations

Eligibility Group	Month 1	Month 2	Month 3	Total for Quarter Ending XX/XX
Title XIX				
ABD				
LTC				
HCBS -State Plan				
HCBS -217 Like				
New Adult Group				
Supports Expansion				

X. Consumer Issues

A summary of the types of complaints or problems consumers identified about the program or grievances in the current quarter. Include any trends discovered, the resolution of complaints or grievances, and any actions taken or to be taken to prevent other occurrences.

XI. Quality Assurance/Monitoring Activity

Identify any quality assurance/monitoring activity or any other quality of care findings and issues in current quarter.

XII. Demonstration Evaluation

Discuss progress of evaluation plan and planning, evaluation activities, and interim findings.

XIII. Enclosures/Attachments

Identify by title the budget neutrality monitoring tables and any other attachments along with a brief description of what information the document contains.

XIV. State Contact(s)

Identify the individual(s) by name, title, phone, fax, and address that CMS may contact should any questions arise.

XV. Date Submitted to CMS.

Attachment B
New Jersey FamilyCare 1115 Demonstration
State Plan Benefits

Placeholder for State Plan Benefits

Attachment C
New Jersey’s FamilyCare Comprehensive 1115 Demonstration
Home and Community Based Services – Fee for Service Program
Service Definitions

The Supports Program:

Program Overview: The Supports Program is to provide a basic level of support services to demonstration participants who live with family members or who live in their own homes that are not licensed by the state. Each individual served will receive a smaller package of program services than what is available to individuals served in New Jersey’s Community Care Waiver (CCW), primarily because individuals have access to nonpaid supports available to them. In effect, federal financial participation is available for New Jersey’s current Family Support Program plus adds some new services centered on independent living including employment and day services.

The goal of this program is to support each demonstration participant in the least restrictive setting in the community and ensure the demonstration participant’s health and safety while respecting the rights of the individual. Language from the New Jersey Family Support Act of 1993 expresses well the primary goal of this program: “[Supports] ...must be easily accessible, flexible, culturally sensitive and individualized. They must be designed to promote interdependence, independence, productivity and integration of people with disabilities into the community. Supports must also be built on existing social networks and naturally occurring supports including extended families, neighbors and community associations. ...Failure to provide needed supports can result in premature placement of the [demonstration participant] in a setting outside the home.”

The following services are available through the Supports Program:

1. **Service Name:** Support Coordination

- a. **Description:** Services that assist demonstration participants in gaining access to needed program and state plan services, as well as needed medical, social, educational and other services. Support Coordination is managed by one individual (the Support Coordinator) for each demonstration participant. The Support Coordinator is responsible for developing and maintaining the Individualized Service Plan with the demonstration participant, their family, and other team members designated by the demonstration participant. The Support Coordinator is responsible for the ongoing monitoring of the provision of services included in the Individualized Service Plan.
- b. **Service Limits:** All Supports Program demonstration participants receive monthly contact with their Support Coordinator.
- c. **Provider Specification(s):**
 - i. Approved Medicaid provider;
 - ii. Has met the qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
- d. Participant Direction Option
- e. Provider Directed Participant Directed

2. **Service Name:** Community Inclusion Services

- a. **Description:** Services provided outside of a demonstration participant's home that support and assist demonstration participants in educational, enrichment or recreational activities as outlined in his/her Service Plan that are intended to enhance inclusion in the community. Community Inclusion Services are delivered in a group setting not to exceed six (6) individuals.
- b. **Service Limits:** Community Inclusion Services are limited to 30 hours per week. Transportation to or from a Community Inclusion Service site is not included in the service.
- c. **Provider Specification(s):**
 - i. Approved Medicaid provider
 - ii. Has met the qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

3. **Service Name:** Community Based Supports

- a. **Description:** Services that provide direct support and assistance for demonstration participants, with or without the caregiver present, in or out of the demonstration participant's residence, to achieve and/or maintain the outcomes of increased independence, productivity, enhanced family functioning, and inclusion in the community, as outlined in his/her service plan. Community-Based Supports are delivered one-on-one with a demonstration participant and may include but are not limited to: assistance with community-based activities and assistance to, as well as training and supervision of, individuals as they learn and perform the various tasks that are included in basic self-care, social skills, and activities of daily living.
- b. **Service Limits:** Providers of Community-Based Support Services may be members of the demonstration participant's family except for spouse or parent of a minor child, provided that the family member has met the same standards as providers who are unrelated to the individual.
- c. **Provider Specification(s):**
 - i. Approved Medicaid provider
 - ii. Has met the qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - iii. Individual Supports Assistant (for demonstration participants that self-direct) who has met all eligibility requirements established by the DHS/DDD to be hired by a demonstration participant who serves as the Employer of Record.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

4. **Service Name:** Day Habilitation

- a. **Description:** Services that provide education and training to acquire the skills and experience needed to participate in the community, consistent with the demonstration participant's Service Plan. This may include activities to support demonstration participants with building problem-solving skills, self-help, social skills, adaptive skills, daily living skills, and leisure skills. Activities and environments are designed to foster the acquisition of skills, building positive social behavior and interpersonal

- competence, greater independence and personal choice. Services are provided during daytime hours and do not include employment-related training. Day Habilitation may be offered in a center-based or community-based setting.
- b. **Service Limits:** Day Habilitation does not include services, activities or training which the demonstration participant may be entitled to under federal or state programs of public elementary or secondary education, state plan services, or federally funded vocational rehabilitation. Day Habilitation is limited to 30 hours per week. Transportation to or from a Day Habilitation site is not included in the service.
 - c. **Provider Specification(s):**
 - i. Approved Medicaid provider
 - ii. Has met the qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - d. Participant Direction Option
 - i. Provider Directed Participant Directed

5. **Service Name:** Prevocational Training

- a. **Description:** Services that provide learning and work experiences, including volunteer work, where the individual can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings. Services may include training in effective communication with supervisors, co-workers and customers; generally accepted community workplace conduct and dress; ability to follow directions; ability to attend to tasks; workplace problem solving skills and strategies; and general workplace safety and mobility training. Prevocational Training is intended to be a service that demonstration participants receive over a defined period of time and with specific outcomes to be achieved in preparation for securing competitive, integrated employment in the community for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Prevocational Training services cannot be delivered within a sheltered workshop. Supports are delivered in a face-to-face setting, either one-on-one with the demonstration participant or in a group of two to eight demonstration participants.
- b. **Service Limits:** This service is available to demonstration participants in accordance with the DHS/DDD Employment Services and Supports Policy Manual, and as authorized in their Service Plan. Documentation is maintained in the file of each individual receiving this service that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973, the IDEA (20 U.S.C. 1401 et seq.) or P.L. 94-142. Prevocational Training is limited to 30 hours per week. Transportation to or from a Prevocational Training site is not included in the service.
- c. **Provider Specification(s):**
 - i. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - ii. Provider approved by DHS/DDD
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

6. **Service Name:** Supported Employment– Individual Employment Support

- a. **Description:** Activities needed to help a demonstration participant obtain and maintain an individual job in competitive or customized employment, or self-employment, in an integrated work setting in the general workforce for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. The service may be delivered for an intensive period upon the demonstration participant’s initial employment to support the demonstration participant who, because of their disability, would not be able to sustain employment without supports. Supports in the intensive period are delivered in a face-to-face setting, one-on-one. The service may also be delivered to a demonstration participant on a less intensive, ongoing basis (“follow along”) where supports are delivered either face-to-face or by phone with the demonstration participant and/or his or her employer. Services are individualized and may include but are not limited to: training and systematic instruction, job coaching, benefit support, travel training, and other workplace support services including services not specifically related to job-skill training that enable the demonstration participant to be successful in integrating into the job setting.
- b. **Service Limits:** This service is available to demonstration participants in accordance with the DHS/DDD Employment Services and Supports Policy Manual, and as authorized in their Service Plan. Documentation is maintained in the file of each individual receiving this service that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973, the IDEA (20 U.S.C. 1401 et seq.) or P.L. 94-142. Supported Employment – Individual Employment Support is limited to 30 hours per week. Transportation to or from a Supported Employment site is not included in the service. When Supported Employment is provided at a work site in which people without disabilities are employed, payment will be made only for the adaptations, supervision and training required for demonstration participants as a result of their disabilities and will not include payment for the supervisory activities rendered as a normal part of the business setting or for incentive payments, subsidies or unrelated training expenses.
- c. **Provider Specification(s):**
 - i. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD);
 - ii. Provider approved by DHS/DDD;
 - iii. Division of Vocational Rehabilitation Services (DVRS) approved supported employment vendor;
 - iv. Employment specialist/job coach that has met all qualifications as specified by DHS/DDD
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

7. **Service Name:** Supported Employment – Small Group Employment Support

- a. **Description:** Services and training activities provided to demonstration participants in regular business, industry and community settings for groups of two to eight workers with disabilities. Services may include mobile crews and other business-

based workgroups employing small groups of workers with disabilities in employment in the community. Services must be provided in a manner that promotes integration into the workplace and interaction between demonstration participants and people without disabilities. Services may include, but are not limited to: job placement, job development, negotiation with prospective employers, job analysis, training and systematic instruction, job coaching, benefit support, travel training and planning.

- b. **Service Limits:** This service is available to demonstration participants in accordance with the DHS/DDD Employment Services and Supports Policy Manual, and as authorized in their service plan. Documentation is maintained in the file of each individual receiving this service that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973, the IDEA (20 U.S.C. 1401 et seq.) or P.L. 94-142. Supported Employment – Small Group Employment Support is limited to 30 hours per week. Transportation to or from a Supported Employment site is not included in the service. When Supported Employment is provided at a work site in which people without disabilities are employed, payment will be made only for the adaptations, supervision and training required for demonstration participants as a result of their disabilities and will not include payment for the supervisory activities rendered as a normal part of the business setting or for incentive payments, subsidies or unrelated training expenses.
- c. **Provider Specification(s):**
 - i. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD);
 - ii. Provider approved by DHS/DDD;
 - iii. Division of Vocational Rehabilitation Services (DVRS) approved supported employment vendor;
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

8. **Service Name:** Career Planning

- a. **Description:** Career planning is a person-centered, comprehensive employment planning and support service that provides assistance for program demonstration participants to obtain, maintain or advance in competitive employment or self-employment. It is a focused, time-limited service engaging a demonstration participant in identifying a career direction and developing a plan for achieving competitive, integrated employment at or above the state’s minimum wage. The outcome of this service is documentation of the demonstration participant’s stated career objective and a career plan used to guide individual employment support. If a demonstration participant is employed and receiving supported employment services, career planning maybe used to find other competitive employment more consistent with the person’s skills and interests or to explore advancement opportunities in his or her chosen career.
- b. **Service Limits:** This service is available to demonstration participants in accordance with the DHS/DDD Employment Services and Supports Policy Manual, and as authorized in their service plan. This service is available to demonstration participants at a maximum of 80 hours per service plan year. If the demonstration

participant is eligible for services from the state's Division of Vocational Rehabilitation Services, these services must be exhausted before Career Planning can be offered to the demonstration participant.

- c. **Provider Specification(s):**
 - i. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD);
 - ii. Provider approved by DHS/DDD;
 - iii. Division of Vocational Rehabilitation Services (DVRS) approved time-limited job coaching or supported employment vendor;
 - iv. Employment specialist/job developer that has met all qualifications as specified by DHS/DDD
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

9. **Service Name:** Respite

- a. **Description:** Services provided to demonstration participants unable to care for them that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide care for the demonstration participant. Respite may be delivered in multiple periods of duration such as partial hour, hourly, daily without overnight, or daily with overnight. Respite may be provided in the demonstration participant's home, a DHS licensed group home, or another community-based setting approved by DHS. Some settings, such as a hotel, may be approved by the state for use when options using other settings have been exhausted.
- b. **Service Limits:** Room and board costs will not be paid when services are provided in the demonstration participant's home. Hotel Respite must not exceed two consecutive weeks and 30 days per year.
- c. **Provider Specification(s):**
 - i. Provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - ii. Provider approved by DHS/DDD
 - iii. A homemaker agency approved as a Medicaid provider
 - iv. A licensed, certified home health agency approved as a Medicaid provider
 - v. Individual Supports Assistant (for demonstration participants that self-direct) who has met all eligibility requirements established by the DHS/DDD to be hired by a demonstration participant and paid through the fiscal intermediary.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

10. **Service Name:** Transportation

- a. **Description:** Service offered in order to enable demonstration participants to gain access to services, activities and resources, as specified by the Service Plan. This service is offered in addition to medical transportation required under 42 CFR §431.53 and transportation services under the state plan, defined at 42 CFR §440.170(a) (if applicable), and does not replace them. Whenever possible, family,

- neighbors, friends, or community agencies which can provide this service without charge are utilized.
- b. **Service Limits:** Reimbursement for transportation is limited to distances not to exceed 150 miles one way and only within the states of New Jersey, New York, Pennsylvania and Delaware.
 - c. **Provider Specification(s):**
 - i. Approved Medicaid provider that has met the qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD);
 - ii. Provider approved by DHS/DDD;
 - iii. Valid driver's license;
 - iv. Valid vehicle registration;
 - v. Valid insurance
 - vi. A homemaker agency approved as a Medicaid provider.
 - vii. A licensed, certified home health agency approved as a Medicaid provider.
 - viii. Individual Supports Assistant (for demonstration participants that self-direct) who has met all eligibility requirements established by the DHS/DDD to be hired by a demonstration participant who serves as the Employer of Record.
 - d. Participant Direction Option
 - i. Provider Directed Participant Directed

11. Service Name: Natural Supports Training

- a. **Description:** Training and counseling services for individuals who provide unpaid support, training, companionship or supervision to demonstration participants. For purposes of this service, individual is defined as: “any person, family member, neighbor, friend, companion, or co-worker who provides uncompensated care, training, guidance, companionship or support to a demonstration participant.” Training includes instruction about treatment regimens and other services included in the service plan, use of equipment specified in the service plan, and includes updates as necessary to safely maintain the demonstration participant at home. Counseling must be aimed at assisting the unpaid caregiver in meeting the needs of the demonstration participant. All training for individuals who provide unpaid support to the demonstration participant must be included in the demonstration participant's service plan. Natural Supports Training may be delivered to one individual or may be shared with one other individual.
- b. **Service Limits:** This service may not be provided in order to train paid caregivers. When delivered by a Direct Service Professional (DSP), the DSP must have a minimum of two years' experience working with individuals with developmental disabilities. When delivered by professional staff, the professional must have a license in psychiatry, physical therapy, occupational therapy, speech language pathology, social work, or must be a registered nurse or a degreed psychologist.
- c. **Provider Specification(s):**
 - i. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD) Office of Quality Improvement
 - ii. A homemaker agency approved as a Medicaid provider

- iii. A social work agency approved as a Medicaid provider
- iv. A licensed, certified home health agency approved as a Medicaid provider
- v. A board-certified and board-eligible psychiatrist approved as a Medicaid provider
- vi. A clinical psychologist approved as a Medicaid provider
- vii. A licensed registered nurse approved as a Medicaid provider
- viii. A licensed social worker approved as a Medicaid provider
- ix. A licensed physical therapist approved as a Medicaid provider
- x. A licensed occupational therapist approved as a Medicaid provider
- xi. A licensed speech language pathologist approved as a Medicaid provider
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

12. **Service Name:** Behavioral Management

- a. **Description:** Individual and/or group counseling, behavioral interventions, diagnostic evaluations or consultations related to the individual's developmental disability and necessary for the individual to acquire or maintain appropriate interactions with others. Intervention modalities must relate to an identified challenging behavioral need of the individual. Specific criteria for remediation of the behavior must be established. The provider(s) must be identified in the service plan and must have the minimum qualification level necessary to achieve the specific criteria for remediation. Behavioral management includes a complete assessment of the challenging behavior(s), development of a structured behavioral modification plan, implementation of the plan, ongoing training and supervision of caregivers and behavioral aides, and periodic reassessment of the plan.
- b. **Service Limits:** Behavioral management services are offered in addition to and do not replace treatment services for behavioral health conditions that can be accessed through the state plan/MBHO and mental health service system. Individuals with co-occurring diagnoses of developmental disabilities and mental health conditions must have identified needs met by each of the appropriate systems without duplication but with coordination to obtain the best outcome for the individual.
- c. **Provider Specification(s):**
 - i. Provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - ii. Provider approved by DHS/DDD
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

13. **Service Name:** Cognitive Rehabilitative Therapy (CRT)

- a. **Description:** As defined by Harley, et al, a systematic, functionally-oriented service of therapeutic cognitive activities, based on an assessment and understanding of the person's brain behavior deficits. Services are directed to achieve functional changes: by (1) reinforcing, strengthening or re-establishing previously learned patterns of behavior, or (2) establishing new patterns of cognitive activity or compensatory mechanisms for impaired neurological systems. Therapeutic interventions include but are not limited to direct retraining, use of compensatory strategies, use of cognitive

- orthotics and prostheses. Activity type and frequency are determined by assessment of the demonstration participant, the development of a treatment plan based on recognized deficits, and periodic reassessments. Cognitive therapy can be provided in the individual's home or community settings
- b. **Service Limits:** Daily limits as delineated by the demonstration participant's Service Plan. Frequency and duration of service must be supported by assessment and included in the demonstration participant's service plan. CRT may be provided on an individual basis or in groups. A group session is limited to one therapist with maximum of five demonstration participants. Both group and individual sessions may not exceed 60 minutes in length. The therapist must record the time the therapy session started and when it ended in the demonstration participant's clinical record. This service must be coordinated and overseen by a CRT provider holding at least a master's degree. All individuals who provide or supervise the CRT service must complete six hours of relevant ongoing training in CRT and or brain injury rehabilitation. Training may include, but is not limited to, participation in seminars, workshops, conferences, and in-services.
 - c. **Provider Specification(s):**
 - i. A board-certified and board-eligible psychiatrist approved as a Medicaid provider
 - ii. A clinical psychologist approved as a Medicaid provider
 - iii. Mental Health Agency
 - iv. Post-acute non-residential rehabilitative services provider agency
 - v. An outpatient program of a rehabilitation hospital
 - vi. Certified Occupational Therapy Assistants (COTAs) and Physical Therapy Assistants (PTAs) may provide CRT but only under the guidelines described in the New Jersey practice acts for occupational and physical therapists.
 - vii. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - viii. Staff members working for any of the agencies above who meet the above-mentioned degree requirements, but are not licensed or certified, may practice under the supervision of a rehabilitation practitioner who is licensed and/or meets the criteria for certification by the Society for Cognitive Rehabilitation (actual certification is not necessary so long as criteria is met).
 - d. Participant Direction Option
 - i. Provider Directed X Participant Directed

14. Service Name: Interpreter Services

- a. **Description:** Service delivered to a demonstration participant face-to-face to support them in integrating more fully with community-based activities or employment. Interpreter services may be delivered in a demonstration participant's home or in a community setting. For language interpretation, the interpreter service must be delivered by an individual proficient in reading and speaking in the language that the demonstration participant speaks in.
- b. **Service Limits:** Interpreter services may be used when the state plan service for language line interpretation is not available or not feasible or when natural interpretive supports are not available.

- c. **Provider Specification(s):**
 - i. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - ii. Individual Supports Assistant (for demonstration participants that self-direct) who has met all eligibility requirements established by the DHS/DDD to be hired by a demonstration participant who serves as the Employer of Record
 - iii. For language interpreter: 18 years of age, cleared criminal background check, proficient in reading and speaking both languages
- d. Participant Direction Option
 - i. Provider Directed X Participant Directed X

15. **Service Name:** Physical Therapy

- a. **Description:** The scope and nature of these services do not otherwise differ from the Physical Therapy services described in the state plan. They may be either rehabilitative or habilitative in nature. Services that are rehabilitative in nature are only provided when the limits of physical therapy services under the approved state plan are exhausted. The provider qualifications specified in the state plan apply. Physical Therapy may be provided on an individual basis or in groups. A group session is limited to one therapist with maximum of five demonstration participants.
- b. **Service Limits:** These services are only available as specified in demonstration participant's service plan and when prescribed by an appropriate health care professional. These services can be delivered on an individual basis or in groups. A group session is limited to 1 therapist with 5 participants and may not exceed 60 minutes in length. The therapist must record the time the therapy session started and when it ended in the demonstration participant's clinical record.
- c. **Provider Specification(s):**
 - i. A licensed physical therapist or physical therapy assistant approved as a Medicaid provider
 - ii. Licensed, certified home health agency
 - iii. Post-acute non-residential rehabilitative services provider agency
 - iv. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD)
 - v. Staff members working for any of the agencies above must meet the New Jersey licensure standards and requirements for practice (N.J.A.C. 13:39A).
- d. Participant Direction Option
 - i. Provider Directed X Participant Directed

16. **Service Name:** Occupational Therapy

- a. **Description:** The scope and nature of these services do not otherwise differ from the Occupational Therapy services described in the state plan. They may be either rehabilitative or habilitative in nature. Services that are rehabilitative in nature are only provided when the limits of occupational therapy services under the approved state plan are exhausted. The provider qualifications specified in the state plan apply. Occupational Therapy may be provided on an individual basis or in groups. A group session is limited to one therapist with maximum of five demonstration participants.

- b. **Service Limits:** These services are only available as specified in demonstration participant's service plan and when prescribed by an appropriate health care professional. These services can be delivered on an individual basis or in groups. A group session is limited to one therapist with a maximum of five participants and may not exceed 60 minutes in length. The therapist must record the time the therapy session started and when it ended in the demonstration participant's clinical record.
- c. **Provider Specification(s):**
 - i. A licensed occupational therapist or occupational therapy assistant approved as a Medicaid provider
 - ii. Licensed, certified home health agency
 - iii. Post-acute non-residential rehabilitative services provider agency
 - iv. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD) Office of Quality Improvement
 - v. Staff members working for any of the agencies above must be registered as an occupational therapist (OTR) with the American Occupational Therapy Association (AOTA). A certified occupational therapy assistant (COTA) must be registered with the AOTA and work under the direction of the OTR.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

17. **Service Name:** Speech, Language, and Hearing Therapy (ST)

- a. **Description:** The scope and nature of these services do not otherwise differ from the Speech Therapy services described in the state plan. They may be either rehabilitative or habilitative in nature. Services that are rehabilitative in nature are only provided when the limits of speech therapy services under the approved state plan are exhausted. The provider qualifications specified in the state plan apply. Speech, Language or Hearing Therapy may be provided on an individual basis or in groups. A group session is limited to one therapist with maximum of five demonstration participants.
- b. **Service Limits:** These services are only available as specified in demonstration participant's service plan and when prescribed by an appropriate health care professional. These services can be delivered on an individual basis or in groups. Group sessions are limited to one therapist with five participants and may not exceed 60 minutes in length. The therapist must record the time the therapy session started and when it ended in the demonstration participant's clinical record.
- c. **Provider Specification(s):**
 - i. A licensed speech therapist approved as a Medicaid provider
 - ii. Licensed, certified home health agency
 - iii. Post-acute non-residential rehabilitative services provider agency
 - iv. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD) Office of Quality Improvement
 - v. Staff members working for any of the agencies above must meet the New Jersey licensure standards and requirements for practice (N.J.A.C. 13:44C).

- d. Participant Direction Option
 - i. Provider Directed Participant Directed

18. **Service Name:** Demonstration participant-Directed Goods and Services

- a. **Description:** Demonstration participant-Directed Goods and Services are services, equipment or supplies, not otherwise provided through generic resources, this program, or through the state plan, which address an identified need (including improving and maintaining the demonstration participant's opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; AND/OR promote inclusion in the community; AND/OR increase the demonstration participant's safety in the home environment; AND, the demonstration participant does not have the funds to purchase the item or service or the item or service is not available through another source. Demonstration participant-Directed Goods and Services are purchased from the demonstration participant-directed budget and paid and documented by the fiscal intermediary.
- b. **Service Limits:** Experimental or prohibited treatments are excluded. Demonstration participant-Directed Goods and Services must be based on assessed need and specifically documented in the service plan.
- c. **Provider Specification(s):**
 - i. Fiscal intermediary provider that has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - ii. Individual Supports Assistant (for demonstration participants that self-direct) who has met all eligibility requirements established by the DHS/DDD to be hired by a demonstration participant who serves as the Employer of Record
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

19. **Service Name:** Supports Brokerage

- a. **Description:** Service/function that assists the demonstration participant (or the demonstration participant's family or representative, as appropriate) in arranging for, directing and managing services. Serving as the agent of the demonstration participant or family, the service is available to assist in identifying immediate and long-term needs, developing options to meet those needs and accessing identified supports and services. Practical skills training is offered to enable families and demonstration participants to independently direct and manage program services. Examples of skills training include providing information on recruiting and hiring personal care workers, managing workers and providing information on effective communication and problem-solving. The service/function includes providing information to ensure that demonstration participants understand the responsibilities involved with directing their services.
- b. **Service Limits:** This service is available only to demonstration participants who self-direct some or all of the services in their service plan and is intended to supplement, but not duplicate, the Support Coordination service. The extent of the assistance furnished to the demonstration participant or family is specified in the service plan. The Supports Brokerage services cannot be paid to New Jersey DDD provider

agencies or employees of these agencies, legal guardians of the demonstration participant, or other individuals who reside with the demonstration participant. Legal guardians or other natural supports can provide the service at no cost to the state.

- c. **Provider Specification(s):**
 - i. Provider that has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD).
 - ii. Individual Supports Assistant (for demonstration participants that self-direct) who has met all eligibility requirements established by the DHS/DDD to be hired by a demonstration participant who serves as the Employer of Record.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

20. **Service Name:** Financial Management Services

- a. **Description:** Service/function that assists the demonstration participant (or the demonstration participant's family or representative, as appropriate) to: (a) manage and direct the disbursement of funds contained in the demonstration participant-directed budget; (b) facilitate the employment of staff by the family or demonstration participant, by performing (as the demonstration participant's agent) such employer responsibilities as processing payroll, withholding federal, state, and local tax and making tax payments to appropriate tax authorities; and, (c) performing fiscal accounting and making expenditure reports to the demonstration participant or family and state authorities.
- b. **Service Limits:** This service is available only to demonstration participants who self-direct some or all of the services in their service plan.
- c. **Provider Specification(s):**
 - i. Fiscal intermediary provider that has met the provider qualifications as specified by the Department of Human Services (DHS), Division of Developmental Disabilities (DDD) Office of Quality Improvement.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

21. **Service Name:** Environmental Modifications

- a. **Description:** Those physical adaptations to the private residence of the demonstration participant or the demonstration participant's family, based on assessment and as required by the demonstration participant's service plan, that are necessary to ensure the health, welfare and safety of the demonstration participant or that enable the demonstration participant to function with greater independence in the home. Such adaptations include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or the installation of specialized electric and plumbing systems that are necessary to accommodate the medical equipment and supplies that are necessary for the welfare of the demonstration participant.
- b. **Service Limits:** All services must be provided in accordance with applicable state or local building codes and are subject to prior approval on an individual basis by DDD. Excluded items are those adaptations or improvements to the home that are of general utility, and are not of direct medical or remedial benefit to the demonstration

- participant. Adaptations that add to the total square footage of the home are excluded from this benefit except when necessary to complete an adaptation (e.g., in order to improve entrance/egress to a residence or to configure a bathroom to accommodate a wheelchair).
- c. **Provider Specification(s):**
 - i. Provider approved by the DHS/DDD.
 - ii. New Jersey licensed contractor and proof of liability insurance.
 - d. Participant Direction Option
 - i. Provider Directed Participant Directed

22. **Service Name:** Vehicle Modifications

- a. **Description:** Assessments, adaptations, or alterations to an automobile or van that is the demonstration participant's primary means of transportation in order to accommodate the special needs of the demonstration participant. Vehicle adaptations are specified by the service plan, are necessary to enable the demonstration participant to integrate more fully into the community and to ensure the health, welfare and safety of the demonstration participant.
- b. **Service Limits:** All Vehicle Modifications are subject to prior approval on an individual basis by DDD. The following are specifically excluded: (1) Adaptations or improvements to the vehicle that are of general utility, and are not of direct medical or remedial benefit to the individual; (2) Purchase or lease of a vehicle; and (3) Regularly scheduled upkeep and maintenance of a vehicle except upkeep and maintenance of the modifications.
- c. **Provider Specification(s):**
 - i. Provider approved by the DHS/DDD.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

23. **Service Name:** Assistive Technology

- a. **Description:** Assistive technology device means an item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of demonstration participants. Assistive technology service means a service that directly assists a demonstration participant in the selection, acquisition, or use of an assistive technology device. Assistive technology includes: (A) the evaluation of the assistive technology needs of a demonstration participant, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the demonstration participant in the customary environment of the demonstration participant; (B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for demonstration participants; (C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (D) ongoing maintenance fees to utilize the assistive technology (e.g., remote monitoring devices); (E) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with other services in the service plan; (F) training or technical assistance for the demonstration participant, or, where appropriate, the family

- members, guardians, advocates, or authorized representatives of the demonstration participant; and (G) training or technical assistance for professionals or other individuals who provide services.
- b. **Service Limits:** All Assistive Technology services and devices must meet applicable standards of manufacture, design and installation and are subject to prior approval on an individual basis by DDD. Prior approval will be based on the functional evaluation as described above. Items covered by the Medicaid state plan cannot be purchased through this service.
- c. **Provider Specification(s):**
 - i. Provider approved by the DHS/DDD.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

24. **Service Name:** Personal Emergency Response System (PERS)

- a. **Description:** PERS is an electronic device that enables program demonstration participants to secure help in an emergency. The demonstration participant may also wear a portable "help" button to allow for mobility. The system is connected to the demonstration participant's phone and programmed to signal a response center once a "help" button is activated. The response center is staffed by trained professionals, as specified herein. The service may include the purchase, the installation, a monthly service fee, or all of the above.
- b. **Service Limits:** All PERS must meet applicable standards of manufacture, design and installation and are subject to prior approval on an individual basis by DDD.
- c. **Provider Specification(s):**
 - i. Provider approved by the DHS/DDD.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

Children's Support Services Program SED Overview

The Children's Support Services Program – Serious Emotional Disturbance (SED) provides behavioral health, home and community based services for youth under age 21 who have a SED, which places them at risk for hospitalization, out of home treatment or at hospital level of care. For youth not eligible for Medicaid, this provides federal support for behavioral health services under the State Plan amendment and home and community based services that are authorized through the children's ASO.

The program also allows for Medicaid eligibility based on SED determination and who have a plan of care through Care Management Organization, irrespective of parental income and adds new services that have been found to be critical for the success of youth. The goals are to:

- i. improve youth's emotional stability;
- ii. maintain youth in the community and increase community integration;
- iii. support youth with SED that are transitioning into adulthood;
- iv. improve youth success in a wide range of life domains;
- v. reduce lengths of stay in out of home care settings by providing a less restrictive but medically appropriate treatment option;
- vi. reduce acute hospitalization lengths of stay, episodes and repeat episodes; and,

- vii. improve social and educational functioning;
- viii. reduce incidents of juvenile justice involvement.

1. **Service Name:** Social and Emotional Learning

- a. **Service Description:** Social and emotional learning (SEL) services employs the social decision making model to identify and implement strategies focused on fostering and practicing skills necessary in areas of self-awareness, self-management, communication, relationship skills, social awareness, interactions and responsible decision making. This service is grounded in the theory of social and emotional learning through which people gain and apply knowledge, attitudes and skills necessary for core social and emotional competencies. The model incorporates role modeling and family participation in prompting and supporting skill practice and utilization.

Social and emotional learning services will assist the youth in improving the skills necessary to cope emotionally and socially, improve their ability to resolve conflict and manage their behavior and build on their core communication and self-organizational skills needed to manage his or her own life's activities as they transition into adulthood. The services are designed to be delivered face to face in home and community settings.

- b. **Service Limits:** This service must be part of a plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF) / Children's System of Care's (CSOC) ASO. This service must be provided in a home or community setting and is not to be used in an out of home care setting, or hospital except for transitioning planning from out of home treatment.
- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Children and Families (DCF) / Children's System of Care (CSOC).
- Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/Children's System of Care (CSOC)
 - Medicaid enrolled provider

2. **Service Name:** Interpreter Services

- a. **Service Description:** Interpreter services are delivered to a youth, face to face, to support them in carrying out the plan of care that are not otherwise covered by the State Plan. For language interpretation, the interpreter service must be delivered by an individual proficient in reading and speaking and signing in the language in which the youth is most comfortable communicating. Interpreter services, including American Sign Language (ASL) may be used only when the State Plan service for language line interpretation, language applications, and natural interpretive supports, i.e. an adult family member, designated friend, or neighbor, who can provide the interpretation, are not feasible or available.
- b. **Service Limits:** This service must be part of the plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services

(MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children's System of Care's (CSOC) ASO.

- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as delineated by the Department of Children and Families (DCF)/ Children's System of Care (CSOC) or the Department of Human Services (DHS)
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/Children's System of Care (CSOC) or the Department of Human Services (DHS)
 - Medicaid enrolled provider

3. **Service Name:** Non-Medical Transportation

- a. **Service Description:** Non-medical transportation services are offered to youth and/or family/caregiver to and/or from a non-medical activity that is an integral part of the youth's plan of care where there are no other feasible transportation options. These non-medical services could include, but are not limited to, recreational activities, youth training sessions, transitioning youth services, after school programs not associated with a youth's Individual Educational Plan (IEP), and parent support services. Non-medical transportation promotes access and connection to programs and other community services, activities, and resources to help maintain youth in the community. Non-medical transportation cannot supplant services otherwise covered by the State Plan. Whenever possible, family, neighbors, friends, or community agencies which can provide this service without charge are utilized. This service must be provided in the community setting and is not to be used in an out of home care or hospital setting.
- b. **Service Limits:** This service must be part of the plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children's System of Care's (CSOC) ASO. This service is limited to a maximum of 104 individual one way trips per youth per rolling year.
- c. **Provider Specifications:** Providers and their staff must meet the minimum levels of education, experience and training as delineated by the Department of Children and Families (DCF)/Children's System of Care (CSOC) and/or Department of Human Services (DHS).
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/ Children's System of Care (CSOC) and/or the Department of Human Services (DHS)
 - Medicaid enrolled provider

Children's Support Services Program I/DD Overview

The Children's Support Services program for youth with intellectual/developmental disabilities (I/DD) provides home and community based services and supports to individuals under the age of 21 that meet Department of Children and Families (DCF)/ Children's System of Care's (CSOC) functional eligibility for youth with I/DD as defined by N.J.A.C. 3A:40 and applicable state/federal law. Youth may also

have co-occurring I/DD and Mental Health Diagnosis (I/DD-MI). For youth not eligible for Medicaid, this provides federal support for home and community based services that are authorized through the children's ASO.

The program also allows for Medicaid eligibility for youth based on functional eligibility and who have a plan of care through Care Management Organization irrespective of parental income and adds new services that have been found to be critical for the success of youth. The goals are to:

- ix. improve youth emotional stability and reduce challenging behaviors;
- x. maintain youth in the community and increase community integration;
- xi. support youth with I/DD or I/DD with mental health diagnosis that are transitioning into adulthood;
- xii. improve youth success in a wide range of life domains;
- xiii. reduce lengths of stay in out of home care settings by providing a less restrictive but medically appropriate treatment option;
- xiv. reduce acute hospitalization lengths of stay, episodes and repeat episodes;
- xv. improve social and educational functioning;
- xvi. reduce incidents of juvenile justice involvement.

1. **Service Name:** Individual Supports

- a. **Service Description:** Individual support services assist the youth with I/DD with acquiring, retaining, improving, and generalizing the behavioral, self-help, socialization and adaptive skills necessary to function successfully in the home and community. This service will focus primarily on the use of Positive Behavioral Supports, instruction in both basic and instrumental activities of daily living (ADLs). Individual support services are needs-based and intended to develop a safe structured environment while increasing the ability of the family/caregiver to provide the youth with needed support to remain home. Services can also be provided as part of services delivered by out of home community-based settings. Services include behavioral, self-care and habilitative related tasks performed and/or supervised by service provider staff in a youth's home, the home of a relative or out of home community-based settings.
- b. **Service Limits:** This service must be part of a plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children's System of Care's (CSOC) ASO.
- c. **Provider Specifications:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Children and Families (DCF)/Children's System of Care (CSOC).
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/ Children's System of Care (CSOC)
 - Medicaid enrolled provider

2. **Service Name:** Natural Supports Training

- a. **Service Description:** Natural supports training and counseling services for individuals who provide support, training, companionship, or supervision to the youth with I/DD. For the purposes of this service, an individual is defined as any person, family member,

neighbor, friend, companion, or co-worker who provides care, training, guidance, companionship or support to a youth. Training includes instruction about treatment regimens, use of equipment, and other services included in the plan of care.

- b. **Service Limits:** Services are prior authorized by the Department of Children and Families (DCF)/ Children’s System of Care (CSOC) based on assessment.
- c. **Provider Specifications:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Children and Families (DCF)/Children’s System of Care (CSOC).
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/Children’s System of Care (CSOC)
 - Medicaid enrolled provider or contracted provider

3. **Service Name:** Intensive In Community/ In Home Clinical and Therapeutic Services

- a. **Service Description:** Intensive in community/in home (IIH) clinical and therapeutic services encompass a broad array of interventions. These services can be provided to youth with I/DD in the home and in the community and cannot be provided in an office setting. The services focus on the rehabilitative functioning of the youth with I/DD; safely address complex needs and challenging behaviors and skill building.

IIH clinical and therapeutic services are rehabilitative services that are not otherwise covered by the State Plan for youth with I/DD and assist family/caregiver in carrying out individual treatment/support plans, and are necessary to improve the youth’s independence and inclusion in their community. IIH clinical and therapeutic services include a comprehensive integrated program of clinical rehabilitation services to support improved behavioral and social functioning. Services can also be provided as part of services delivered by out of home community-based settings.

- b. **Service Limits:** This service must be part of a plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children’s System of Care’s (CSOC) ASO.
- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Children and Families (DCF)/Children’s System of Care (CSOC).
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/ Children’s System of Care (CSOC)
 - Medicaid enrolled provider

4. **Service Name:** Intensive In Community/Intensive In Home Behavioral Services

- a. **Service Description:** Intensive in community/in home (IIH) behavioral services encompass a broad array of interventions. The services can be provided to I/DD youth in the home and in the community. This service cannot be provided in an office setting. The services will focus on the habilitative functioning of the youth; safely address complex needs, challenging behaviors and promote skill building.

IIH behavioral services are habilitation services not otherwise covered by the State Plan that include a comprehensive integrated program to decrease challenging behaviors while assisting the youth in acquiring, retaining, and improving self-help, communication and

adaptive skills. Behavioral intervention services are medically necessary. Services can also be provided as part of services delivered by out of home community-based settings.

- b. **Service Limits:** This service must be part of the plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children's System of Care's (CSOC) ASO.
- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Children and Families (DCF)/Children's System of Care (CSOC).
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/ Children's System of Care (CSOC)
 - Medicaid enrolled provider

4. **Service Name:** Respite

- a. **Service Description:** Respite services, including assessment and respite care planning, temporarily relieve the family/caregiver from the demands of caring for youth with I/DD. Respite services can support the youth in the home and community by reducing stress, preventing family disruption, and enhancing family/caregiver relationships. Respite is intended to be provided during the times when the family/caregiver normally would be available to provide care. Respite may be provided in the youth's home, a licensed facility, or other Department of Children and Families / Children's System of Care (CSOC) approved community based setting. Respite cannot be provided in a hospital or other out of home care.
- b. **Service Limits:** Services are prior authorized by the Department of Children and Families (DCF)/ Children's System of Care (CSOC) based on assessment.
- c. **Provider Specifications:** Providers and their staff must meet the minimum levels of education, experience and training as delineated by the Department of Children and Families (DCF)/ Children's System of Care (CSOC).
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/Children's System of Care (CSOC) or,
 - Fiscal intermediary provider, for respite providers identified by the family/caregiver who have met the provider qualifications as specified by the Department of Children and Families (DCF)/Children's System of Care (CSOC) and,
 - Medicaid enrolled provider

5. **Service Name:** Non-Medical Transportation

- a. **Service Description:** Non-medical transportation services are offered to youth and/or family/caregiver to and/or from a non-medical activity that is an integral part of the youth's plan of care where there are no other feasible transportation options. These non- medical services could include, but are not limited to, recreational activities, youth training sessions, transitioning youth services, after school programs not associated with a youth's Individual Educational Plan (IEP), and parent support services. Non-medical transportation promotes access and connection to programs and other community services, activities, and resources to help maintain youth in the community. Non-medical transportation cannot supplant services otherwise covered by the State Plan. Whenever possible, family, neighbors, friends, or community agencies which can provide this service without charge are utilized. This service must be provided in the community setting and is not to be used in an out of home care or hospital setting.

- b. **Service Limits:** This service must be part of the plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children's System of Care's (CSOC)/ ASO. This service is limited to a maximum of 104 individual one way trips per youth per rolling year.
- c. **Provider Specifications:** Providers and their staff must meet the minimum levels of education, experience and training as delineated by the Department of Children and Families (DCF)/ Children's System of Care (CSOC) and/or Department of Human Services (DHS).
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/ Children's System of Care (CSOC) and/or the Department of Human Services (DHS)
 - Medicaid enrolled provider

6. Service Name: Interpreter Services

- a. **Service Description:** Interpreter services are delivered to a youth, face to face, to support them in carrying out the plan of care that are not otherwise covered by the State Plan. For language interpretation, the interpreter service must be delivered by an individual proficient in reading and speaking and signing in the language in which the youth is most comfortable communicating. Interpreter services, including American Sign Language (ASL) may be used only when the State Plan service for language line interpretation, language applications, and natural interpretive supports, i.e. an adult family member, designated friend, or neighbor, who can provide the interpretation, are not feasible or available.
- b. **Service Limits:** This service must be part of the plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children's System of Care's (CSOC)/ ASO.
- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as delineated by the Department of Children and Families (DCF)/ Children's System of Care (CSOC) or the Department of Human Services (DHS)
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/Children's System of Care (CSOC) or the Department of Human Services (DHS)
 - Medicaid enrolled provider

7. Service Name: Assistive Technology Devices and Home/Vehicle Modifications

- a. **Service Description:** The assistive technology devices and home/vehicle modification services (and related assessments (evaluation of needs) to authorize devices and modifications) are designed to enhance the youth's ability to navigate his/her environment, remain at home and in the community. The following definitions are applicable to this service:
 - **Assistive Technology Devices:** Any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of youth with disabilities. (29 U.S.C. Sec 2202(2)).
 - **Home Modifications:** Adaptations to the home which are deemed necessary to ensure the health, welfare, and safety of the youth, enable the individual to function more independently in the home and community, and assist the family in maintaining the youth in the family/caregiver home.

- Vehicle Modifications: Adaptations to the family/caregiver vehicle that allow a youth with a developmental disability, who is dependent on a wheelchair, to gain easier access in and out of the vehicle.
- b. **Service Limits:** Services are prior authorized by the Department of Children and Families (DCF)/ Children’s System of Care (CSOC) based on assessment. This service cannot exceed \$11,000 over a rolling three year period per youth.
 - c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Children and Families (DCF)/Children’s System of Care (CSOC)
 - Provider that has met the qualifications as specified by the Department of Children and Families (DCF)/ Children’s System of Care (CSOC) or
 - This administration and payment for these activities may be managed by the financial management services entity. The financial management service entity will meet the qualifications of Department of Children and Families/Children’s System of Care.
 - Medicaid enrolled provider

8. Service Name: Social and Emotional Learning

- a. **Service Description:** Social and emotional learning (SEL) services employs the social decision making model to identify and implement strategies focused on fostering and practicing skills necessary in areas of self-awareness, self-management, communication and relationship skills, social awareness and interactions and responsible decision making. This service is grounded in the theory of social and emotional learning through which people gain and apply knowledge, attitudes and skills necessary for core social and emotional competencies. The model incorporates role modeling and family participation in prompting and supporting skill practice and utilization.

Social and emotional learning services will assist the youth in improving the skills necessary to cope emotionally and socially, improve their ability to resolve conflict and manage their behavior and build on their core communication and self-organizational skills needed to manage his or her own life’s activities as they transition into adulthood. The services are designed to be delivered face to face in home and community settings by individuals certified through the DCF to provide the service. These services are to be provided on an individual basis and not as part of a group setting.

- b. **Service Limits:** This service must be part of a plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the Department of Children and Families (DCF)/Children’s System of Care (CSOC) ASO. This service must be provided in a community setting and is not to be used in a residential or hospital except for transitioning planning from out of home treatment.
- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as delineated by the Department of Children and Families (DCF).
 - Provides that has met the qualifications as specified by the Department of Children and Families (DCF)/Children’s System of Care (CSOC)
 - Medicaid enrolled provider

9. **Service Name:** Supportive Employment

- a. **Service Description:** As part of transition planning for youth, the service delivery and provider management is facilitated through DHS/DDD. Activities needed to help a youth obtain and maintain an individual job in competitive or customized employment, or self-employment, in an integrated work setting in the general workforce for which an individual is compensated. Services are individualized and may include but are not limited to: training and systematic instruction, job coaching, benefit support, travel training, and other workplace support services including services not specifically related to job-skill training that enable the youth to be successful in integrating into the job setting.
- b. **Service Limits:** This service must be provided in a community setting and is not to be used in a residential or hospital except for transitioning planning from out of home treatment.
- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Human Services (DHS)/Division of Developmental Disabilities (DDD).
 - Provider that has met the qualifications as specified by the Department of Human Services (DHS).
 - Medicaid enrolled provider

10. **Service Name:** Career Planning

- a. **Service Description:** As part of transition planning for youth, the service delivery and provider management is facilitated through DHS/DDD. Career planning is a person-centered, comprehensive employment planning and support service that provides assistance for youth to obtain, maintain or advance in competitive employment or self-employment. It is a focused, time-limited service that engages a participant in identifying a career direction and developing a plan for achieving competitive, integrated employment. Career planning may also be used to find other competitive employment more consistent with a youth's skills and interests or to explore advancement opportunities in his or her chosen career.
- b. **Service Limits:** This service must be provided in a community setting and is not to be used in a residential or hospital except for transitioning planning from out of home treatment.
- c. **Provider Specification:** Providers and their staff must meet the minimum levels of education, experience and training as defined by the Department of Human Services (DHS)/Division of Developmental Disabilities (DDD).
 - Provider that has met the qualifications as specified by the Department of Human Services (DHS).
 - Medicaid enrolled provider

11. **Service Name:** Community Inclusion

- a. **Service Description:** Services provided that support and assist the youth in educational, enrichment or recreational activities as outlined in the plan of care and that are intended to enhance inclusion in the community. As an example, services could include but is not limited to yoga, music, cooking, baking, exercise, horticulture, peer mentoring, dance, and art. This service can also provide for goods and could include equipment or supplies that are not otherwise covered under the State Plan. Goods are non-recurring and meets the requirements of promoting inclusion in the community and/or increasing the youth's safety and well-being.
- b. **Service Limits:** This service must be part of a plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity and prior authorized by the DCF/CSOC's ASO. This service must be provided in a community setting

and is not to be used in an out of home care setting or hospital except for transitioning planning from out of home care.

- c. **Provider Specification:** This administration and payment for these activities will be managed by the financial management services entity. The financial management service entity will meet the qualifications of Department of Children and Families/Children's System of Care.

12. **Service Name:** Financial Management Services

- a. **Service Description:** The FMS entity(ies) will be responsible for the administration and payment activities for individuals who are identified by the family to provide respite to the family/caregiver of youth with I/DD, in line with functions of a fiscal intermediary (can include conducting background checks, verifying timesheets, filing taxes and payroll taxes). The FMS is the employer of record responsible for processing payroll, withholding Federal, state, and local tax and making tax payments to appropriate tax authorities. The FMS will also be responsible for administration, payment disbursement and accountability for non-traditional services authorized and covered under community inclusion and assistive technology devices, home/vehicle modifications. The FMS will perform fiscal accounting and make expenditure reports to DCF/CSOC.
- b. **Service Limits:** This service is part of a plan of care developed by a Care Management Organization (CMO) or Mobile Response and Stabilization Services (MRSS) entity or through an assessment, and is prior authorized by the ASO.
- c. **Provider Specification:**
 - Fiscal intermediary provider that has met the provider qualifications as specified by the Department of Children and Families (DCF)/Children's System of Care (CSOC).
 - Medicaid enrolled provider

Children with Autism Spectrum Disorder Program

Program Overview: Habilitation services will be provided to children with a diagnosis of Autism Spectrum Disorder (ASD) according to the American Psychological Association's most recent version of the Diagnostic and Statistical Manual of Mental Disorders, up to their 13th birthday. Evidence-based habilitation services will support the child's functional development, and enhance his/her inclusion in the community with improved adaptive behavior, language, and cognitive outcomes. Highest need children will receive up to \$27,000 in services; those with moderate needs will receive up to \$18,000 in services and the lowest needs participants will receive \$9,000 in services. If the participant's needs change at any time, s/he can be reassessed to determine the current acuity level and the service package would be adjusted accordingly. Services will be coordinated and managed through the participant's service plan, as developed by the ASO care coordinators. ASD Habilitation services are available to the extent that they are not available under a program funded by the Individuals with Disabilities Education Act and the Rehabilitation Services Act of 1973.

1. Service Name: Behavior Consultative Supports (BCS)

- a. Service Description - Assessing a child, designing a behavior plan that is part of the larger plan of care developed by the Case Manager / with interventions for the child, and providing on-going consultation to the family. Consultative Supports are intended to address the behavioral symptoms often related to the diagnosis of ASD through the teaching of adaptive skills provided by the Consultative Supports staff. BCS are also intended to assist the family and paid support staff or other professionals with carrying out the behavioral plan (BP) that supports the child's functional development and inclusion in the community.

Behavior Consultative Supports consist of:

- i. Completion of a comprehensive assessment
- ii. Identification, with family's input, of which therapies and/or interventions will be utilized. Therapies and interventions will be based on reliable evidence, and may be: drawn from the principles of applied behavior analysis (ABA), social skills interventions, play or interaction focused interventions, play/interaction focused interventions, and cognitive behavioral therapy.
- iii. Development of the behavior plan based on the identified needs of the child with the family's input and guidance.
- iv. Basic training and technical assistance to the family and paid support staff regarding the particular child's needs, in order to carry out the BP.
- v. Development of the teaching protocol by which the Behavior Supports Individual Support person implements the evidence-based treatment.
- vi. Monitor the child's progress within the program.
- vii. Utilizes data-based decision making to monitor progress, track gains, and make program modifications.
- viii. Assists families to participate in the development, training, and implementation of the evidence-based therapy being utilized.

b. Service Limits:

- No more than one Consultative Supports person may be paid for services at any given time.
- Travel time is not reimbursable.

c. Provider Specifications:

- Medicaid MCO Network provider
- Master's degree, preferably in human services-related fields or education and documentation of 2,000 hours of experience working with a child with ASD OR Board Certified Behavior Analysts (BCBA) OR Board Certified Assistant Behavior Analyst (BCBA)
- Training in the intervention/therapy identified in the BP
- Must successfully pass criminal background checks

d. Participant Direction Option

- Provider Directed Participant Directed

2. Service Name: Individual Behavior Supports

- a. Service Description- services, as identified in the BP, provided to a child with ASD to assist in acquiring, retaining, improving, and generalizing the self-help, socialization, and adaptive skills necessary to reside and function successfully in home and community settings. Therapies and interventions will be based on reliable evidence, and may be: drawn from the principles of applied behavior analysis (ABA), social skills interventions, play or interaction focused interventions, play/interaction focused interventions, and cognitive behavioral therapy. Services are provided through evidence-based and data-driven methodologies.
- b. Supports are provided by the Individual Supports person who is trained on the particular needs of the child, and works under the direction of the Consultative Supports person and provides one-one services with the child, and documents services provided.

Individual Supports include assisting with the development of skills such as:

- i. (including imitation, social initiations and response to adults and peers, parallel and interactive play with peers and siblings)
- ii. Expressive verbal language, receptive language, and nonverbal communications skills which may be enhanced through the use of a functional symbolic communication system.
- iii. Increased engagement and flexibility in developmentally appropriate tasks and play, including the ability to attend to the environment and respond to an appropriate motivational system, based on positive behavioral supports.
- iv. Fine and gross motor skills used for age-appropriate functional activities, as needed
- v. Cognitive skills, including symbolic play and basic concepts, as well as academic skills
- vi. Positive behavioral skills, in place of negative behavior patterns
- vii. Independent organizational skills and other socially appropriate behaviors that facilitate successful community integration (such as completing a task independently, following instruction in a group, or asking for help)
- b. **Service Limits:** The majority of these contacts must occur in community locations where the child lives, has child care, and/or socializes, etc.
- c. Provider Specifications:
 - i. Medicaid MCO Network provider
 - ii. Training in the intervention/therapy identified in the BP/POC.
 - iii. Bachelor's degree, preferably in education or human services-related fields OR 60 college credit hours
 - iv. Documentation of 1,000 hours of experience working with a child with a ASD Disorder OR Board Certified Assistant Behavior Analyst (BCBA)
 - v. Must work under the direction of the Consultative Supports person
 - vi. Must successfully pass criminal background checks
- d. **Participant Direction Option**
 - i. Provider Directed Participant Directed

3. **Service Name:** Occupational Therapy

- a. **Description:** Services that are provided when the limits of occupational therapy services under the approved state plan are exhausted. The scope and nature of

these services do not otherwise differ from the physical therapy service furnished under the state plan. The provider qualifications specified in the state plan apply. Physical Therapy may be provided on an individual basis or in groups. A group session is limited to one therapist with maximum of five participants.

- b. **Service Limits:** These services are only available when prescribed by an appropriate health care professional. These services are available to the extent that they are not available under a program funded by the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.).
- c. **Provider Specification(s):**
 - i. A licensed occupational therapist or occupational therapy assistant approved as a Medicaid provider
 - ii. Licensed, certified home health agency
 - iii. Post-acute non-residential rehabilitative services provider agency
 - iv. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Children & Families
 - v. Staff members working for any of the agencies above must be registered as an occupational therapist (OTR) with the American Occupational Therapy Association (AOTA). A certified occupational therapy assistant (COTA) must be registered with the AOTA and work under the direction of the OTR.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

4. **Service Name:** Physical Therapy

- a. **Service Description:** Services that are provided when the limits of physical therapy services under the approved state plan are exhausted. The scope and nature of these services do not otherwise differ from the physical therapy service furnished under the state plan. The provider qualifications specified in the state plan apply. Physical Therapy may be provided on an individual basis or in groups. A group session is limited to one therapist with maximum of five participants.
- b. **Service Limits:** These services are only available when prescribed by an appropriate health care professional. These services are available to the extent that they are not available under a program funded by the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.).
- c. **Provider Specification(s):**
 - i. A licensed physical therapist or physical therapy assistant approved as a Medicaid provider
 - ii. Licensed, certified home health agency
 - iii. Post-acute non-residential rehabilitative services provider agency
 - iv. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Children & Families
 - v. Staff members working for any of the agencies above must meet the New Jersey licensure standards and requirements for practice (N.J.A.C. 13:39A).
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

5. **Service Name:** Speech and Language Therapy (ST)

- a. **Service Description:** Services that are provided when the limits of speech and language therapy services under the approved state plan are exhausted. The scope and nature of these services do not otherwise differ from the speech and language therapy service furnished under the state plan. The provider qualifications specified in the state plan apply. Speech and Language Therapy may be provided on an individual basis or in groups. A group session is limited to one therapist with maximum of five participants.
- b. **Service Limits:** These services are only available when prescribed by an appropriate health care professional. These services are available to the extent that they are not available under a program funded by the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.).
- c. **Provider Specification(s):**
 - i. A licensed speech therapist approved as a Medicaid provider
 - ii. Licensed, certified home health agency
 - iii. Post-acute non-residential rehabilitative services provider agency
 - iv. Agency provider that is an approved Medicaid provider and has met the provider qualifications as specified by the Department of Children & Families
 - v. Staff members working for any of the agencies above must meet the New Jersey licensure standards and requirements for practice (N.J.A.C. 13:44C).
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

ID/DD-MI Dually Diagnosed Children Service Program

Program Overview: The primary goal of the program is to provide a safe, stable, and therapeutically supportive environment for children with developmental disabilities and co-occurring mental health diagnoses, ages five (5) up to twenty-one (21), with significantly challenging behaviors (demonstration participants). This program provides both in-home intensive and out-of-home services.

It is the purpose of this program to serve and stabilize the child with ID-DD/MI in the least restrictive environment. The optimum goal is for the child to remain, or return, home with their natural supports. It may not always be possible for a child to remain or return to their natural home. In these cases, the program will provide out of home services for the child. The in-home services provided to a child remaining in their own home are intended to develop a safe, structured home environment while increasing the ability of the family/caregiver to provide the needed supports. This program is intended to assist families/caregivers by working with qualified agencies and consultants skilled in positive behavior supports to develop appropriate and safe ways to redirect the child to a more productive, safe and involved lifestyle. As the family/caregiver gains knowledge and becomes more skilled in working with their child, the level of supports will be decreased to match the level of intensive behavioral need. The ultimate goal is to return the family home to an environment requiring minimal, if any, outside intervention.

The following services are available through this Program.

1. **Service Name:** Case/Care Management

- a. **Service Description:** Services which will assist individuals who receive program services, in gaining access to needed program and specific state plan services, as well as needed medical, social, behavioral, educational and other services. The Case/Care Manager is responsible for convening team meetings, developing and implementing the treatment plan, community resource development, information management, quality assessment and improvement, coordination of care with all providers and agencies with whom the family is involved, and routine coordination (including regular contact, sharing of treatment plan documents, and regular team meetings) with the MCO to assist the individual in accessing physical health care.
- b. **Service Limits:** None
- c. **Provider Specifications:**
 - 1. Agency that has met the qualifications as specified by the Department of Human Services (DHS) or the Department of Children & Families (DCF);
 - 2. Must pass criminal background check.
 - 3. Must have a Bachelor's degree.
- e. Participant Direction Option
 - i. Provider Directed Participant Directed

2. **Service Name:** Individual Supports

- a. **Service Description:** Individual Support services assist the child with acquiring, retaining, improving and generalizing the behavioral, self-help, socialization and adaptive skills necessary to function successfully in the home and community. Individual Support workers will provide services directly to the child through evidence-based and data driven methodologies. Individual support services are behavioral, self-care and habilitative related tasks performed and/or supervised by service provider staff in a demonstration participant's family home, the home of a relative or in other community-based settings, in accordance with approved treatment plans.

These supports include behavioral supports and training, adaptive skill development, assistance with activities of daily living and community inclusion that assist the demonstration participant to reside in the most integrated setting appropriate to his/her needs. Services may be furnished in the following living arrangements: demonstration participant's own home, the home of a relative or other community based living arrangement.

- b. **Service Limits:** Supports in own home cannot exceed 16 hours per day; payment is not made for the cost of room and board, including the cost of building maintenance, upkeep and improvement. Services are prior authorized, by the state or its designee, based on needs assessment and as delineated in the treatment plan.
- c. **Provider Specifications:** Staff must meet the minimum levels of education, experience and training as described in the DHS/DCF Contract Reimbursement Manual or as required for Medicaid participation.

- Agency that has met the qualifications as specified by the Department of Human Services (DHS) or the Department of Children & Families (DCF);

- DDD Contracted Agency; NJAC 10:44 A and/or NJAC 10:44B and/or NJAC 10:44C; or DCF Contracted Agency;
 - Medicaid enrolled provider.
- b. Participant Direction Option
- Provider Directed Participant Directed

3. **Service Name:** Natural Supports Training

- a. Service Description:** Training and counseling services for individuals who provide unpaid support, training, companionship, or supervision to demonstration participants. For purposes of this service, individual is defined as any person, family member, neighbor, friend, companion, or co-worker who provides uncompensated care, training, guidance, companionship or support to a demonstration participant. Training includes instruction about treatment regimens and other services included in the treatment plan, use of equipment specified in the treatment plan, as well as updates as necessary to safely maintain the demonstration participant at home. Counseling must be aimed at assisting the unpaid caregiver in meeting the needs of the demonstration participant. All training for individuals who provide unpaid support to the demonstration participant must be included in the demonstration participant's treatment plan.
- b. Service Limits:** Prior authorization required by the state or its designee, based on needs assessment and as delineated in the treatment plan. This service may not be provided in order to train paid caregivers.
- c. Provider Specifications:** Provider must meet the minimum levels of education, experience and training as determined by DCF and as required for Medicaid participation. Provider must be an approved provider and meet all applicable licensing and credentialing standards in psychiatry, physical therapy, occupational therapy, speech language pathology, social work, or must be registered nurse or a degreed psychologist or hold a degree in other related areas.
- Agency that has met the qualifications as specified by the Department of Human Services (DHS) or the Department of Children & Families (DCF);
 - DDD Contracted Agency; NJAC 10:44 A and/or NJAC 10:44B and/or NJAC 10:44C; or DCF Contracted Agency
 - Medicaid enrolled provider
- d. Participant Direction Option
- Provider Directed Participant Directed

4. **Service Name:** Intensive In-Community Services - Habilitation

- a. Service Description:** Clinical and therapeutic services that are not covered by the state plan and assist unpaid caregivers and/or paid support staff in carrying out individual treatment/support plans, and are necessary to improve the individual's independence and inclusion in their community. These services are flexible, multi-purpose, in-home/community clinical support for demonstration participants and their parents/caregivers/guardians. These services are flexible both as to where and when they are provided based on the family's needs. This demonstration participant-driven treatment is based on targeted needs as identified in the treatment plan. The treatment plan includes specific intervention(s) with target dates for accomplishment of goals that focus on the restorative functioning of the demonstration participant with the intention of:
- Stabilizing the demonstration participant's behavior(s) that led to the crisis,
 - Preventing/reducing the need for inpatient hospitalization,

- Preventing the movement of the demonstration participant’s residence,
- Preventing the need for out-of-home living arrangements.

The services provided will also facilitate a demonstration participant’s transition from an intensive treatment setting back to his/her home. Interventions will be delivered with the goal of diminishing the intensity of treatment over time.

These services encompass a broad array of interventions ranging from clinical therapy to behavioral assistance. Behavioral assistance (BA) services are medically necessary, objective, behavior changing through measurable goals intervention. These services are provided to a “moderate” or “high needs” youth and his/her family. BA services occur in the youth’s natural environment (school, home, neighborhood), are not office-based, and work to improve youth’s functioning in his/her natural environment. BA services are provided to make change through the diminution of maladaptive behaviors and/or the development of adaptive behaviors. Behaviors of focus for BA services are fully described in terms of intensity, frequency, antecedents, and desired outcome. Consequently, BA services are the most easily evaluated for effectiveness and change. Services include a comprehensive integrated program of clinical rehabilitation services to support improved behavioral, social, educational and vocational functioning. In general, this program will provide children/youth and their families with services such as psychoeducation, negotiation and conflict resolution skill training, effective coping skills, healthy limit-setting, stress management, self-care, budgeting, symptom/medication management, and developing or building on skills that would enhance self-fulfillment, education and potential employability.

b. Service Limits: Use of this service requires the preparation of a formal comprehensive assessment and submission of any behavioral support program, Level III, to the provider agency’s internal Behavior Management Committee & Human Rights Committee or the state’s Behavior Management Committee & Human Rights Committee for assurance of compliance to Division Circulars 19 & 34 for approval prior to implementation. Contacts cannot be office-based and must occur in community locations where the child lives, has child care, and/or socializes, etc. Treatment modalities must be based in best practices.

c. Provider Specification: Staff qualifications: Psychologists, Masters Level or Board Certified Behavior Specialist, Bachelor Level Behaviorist with oversight by a Masters Level or Board Certified Behavior Analyst; Licensed Clinical Social Workers, Professional Counselor;

- Agency that has met the qualifications as specified by the Department of Human Services (DHS) or the Department of Children & Families (DCF);
- DDD Contracted Agency; NJAC 10:44 A and/or NJAC 10:44B and/or NJAC 10:44C; or DCF Contracted Agency
- Medicaid enrolled provider

e. Participant Direction Option

- Provider Directed Participant Directed

5. **Service Name:** Respite

a. Service Description: Services provided to demonstration participants unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide care for the demonstration participant. Respite may be provided in the demonstration participant’s home, a program group home, a licensed respite care facility, or a state-approved camp. Respite will not be provided in hospital settings.

b. Service Limits: Must comply with all requirements of DCF respite policy. The state does not pay for room and board except for licensed, non-private residence facilities that are approved by the state. Camp may not be delivered simultaneously with Day Habilitation, Community-Based Supports or during the extended school year. Transportation to or from camp services is not included in the service.

c. Provider Specifications:

- Agency that has met the qualifications as specified by the Department of Human Services (DHS) or the Department of Children & Families (DCF);
- DDD Contracted Agency; NJAC 10:44 A and/or NJAC 10:44B and/or NJAC 10:44C or DCF Contracted Agency;
- Authorized Camps: N.J.A.C. 8:25; or
- Authorized Medicaid provider

f. Participant Direction Option

- Provider Directed Participant Directed

6. Service Name: Non-Medical Transportation

a. Service Description: Service offered in order to enable demonstration participant to gain access to program and other community services, activities and resources, as specified by the service plan. This service is offered in addition to medical transportation required under 42 CFR §431.53 and transportation services under the state plan, defined at 42 CFR §440.170(a) (if applicable), and does not replace them. Transportation services are offered in accordance with the demonstration participant's Service Plan. Whenever possible, family, neighbors, friends, or community agencies which can provide this service without charge are utilized.

b. Service Limits: Outside of medical transportation, transportation provided through the educational entitlement, transportation available through the Medicaid State Plan, or transportation available at no charge or as part of an administrative expenditure. Reimbursement for transportation is limited to distances not to exceed 150 miles one way and only within the states of New Jersey, New York, Pennsylvania and Delaware. Reimbursement for mileage will not exceed the rate established by the state.

c. Provider Specifications: Valid Driver's license, registration and insurance.

- Agency that has met the qualifications as specified by the Department of Human Services (DHS) or the Department of Children & Families (DCF); or
- DDD Contracted Agency; NJAC 10:44 A and/or NJAC 10:44B and/or NJAC 10:44C or DCF Contracted Agency; or
- Authorized Medicaid provider.

d. Participant Direction Option

- Provider Directed Participant Directed

7. Service Name: Interpreter Services

a. Service Description: Service delivered to a demonstration participant or uncompensated caregiver face-to-face to support them in carrying out demonstration participants' treatment/support plans, and that are not covered by the Medicaid State Plan. For language interpretation, the interpreter service must be delivered by an individual proficient in reading and speaking in the language in which the demonstration participant speaks.

- b. **Service Limits:** Prior authorization required by the state or its designee. Interpreter services may be used when the state plan service for language line interpretation is not available or not feasible or when natural interpretive supports – i.e. an adult family member who can provide the interpretation - are not available.
 - c. **Provider Specification:**
 - Agency that has met the qualifications as specified by the Department of Human Services (DHS) or the Department of Children & Families (DCF);
 - Sign language interpreter: Screened by the NJ Division of the Deaf and Hard of Hearing and/or possess certification offered by the National Registry of Interpreters for the Deaf.
- Language interpreter:
- 18 years of age;
 - Cleared Criminal background check; and
 - Proficient in reading & speaking both languages.
- d. Participant Direction Option
 - ii. Provider Directed Participant Directed

IDD/OOS Service Definitions

Program Overview: This program consists of individuals who receive out-of-state services funded by DDD. At this time, individuals are only being added to this program in extremely limited cases (only when DDD has been court-ordered to provide the services in an out-of-state setting), so this program is not expected to grow. Historically, individuals in this program were referred out of state for a variety of reasons. Some were placed in an out-of-state program by their local school district as part of their educational entitlement. In those cases, DDD may have been partially funding the placement prior to the individual aging out of their educational entitlement, as part of a shared agreement with the school or by court order. In other cases, DDD may not have had any involvement with - or knowledge of - the out of state placement until the educational entitlement was ending, at which time the individual/family requested that DDD pick up the funding to allow the individual to remain in their out of state placement. Additionally, some adults were referred for out of state services by DDD staff historically, when an acceptable alternative could not be accessed in the state. The available services vary from setting to setting.

Notably, DDD is making great efforts to minimize the use of out-of-state services for people with intellectual and developmental disabilities. To that end, DDD is no longer approving out-of-state services for new individuals, except where court ordered to do so. DDD is also working to return the out-of-state individuals to New Jersey to receive services, or alternatively, to assist them in becoming residents of, and receiving services from, the state in which they are currently located. Also, as individuals who were placed out-of-state as part of their educational entitlement approach the end of that entitlement, DDD is identifying them, notifying them that DDD will not fund the out-of-state services once they age out of school, and beginning the process of locating appropriate in-state services.

The following services will be available through this Program.

1. **Service Name:** Case Management

- a. **Description:** Services which will assist demonstration participants in planning and gaining access to needed services. DDD Case managers are responsible for participating in Team meetings to develop the demonstration participant's plan of care and reviewing and authorizing Service Plans. Provider Case Managers are responsible for coordinating and leading the Plan of care meetings and development process, and assisting the demonstration participants in locating and coordinating access to medical and other needed services. Provider Case Managers are responsible for the ongoing monitoring of the service plan.
- b. **Service Limits:** None.
- c. **Provider Specifications:**
 - i. For DDD Case Managers:
 - 1. Must meet the qualifications for a QMRP.
 - 2. Must have a Bachelor's degree.
 - 3. Must pass criminal background check.
 - 4. Must qualify for and pass a NJ Civil Service Test.
 - 5. Must be employed in position.
 - ii. For Provider Case Managers:
 - 1. Must have a Bachelor's degree in a Human Services field
 - 2. Must have 2 years of previous experience
 - 3. Must pass criminal background check.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

2. **Service Name:** Individual Supports

- a. **Description:** Services provided to assist, train, and supervise a demonstration participant as they learn and perform various tasks that are included in basic self-care, social skills and activities of daily living. This also includes but is not limited to: personal care, companion services, chore services, day and night supervision, transportation and travel training.
- b. **Service Limits:** These services are only available as specified in the demonstration participant's service plan.
- c. **Provider Specifications:**
 - i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
 - ii. Must pass criminal background check.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

3. **Service Name:** Habilitation

- a. **Description:** Services which are designed to develop, maintain and/or maximize the individual's independent functioning in self-care, physical and emotional growth, socialization, communication and prevocational training.
- b. **Service Limits:** These services are only available as specified in demonstration participant's service plan.
- c. **Provider Specifications:**

- i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
 - ii. Must pass criminal background check.
 - d. Participant Direction Option
 - i. Provider Directed Participant Directed

4. **Service Name:** Supported Employment

- a. **Description:** Supported employment includes job development, pre-job placement and job coaching activities that can assist an individual to secure a job that will result in paid employment and/or to maintain that employment.
- b. **Service Limits:** These services are only available as specified in demonstration participant's Service Plan.
- c. Documentation is maintained in the file of each demonstration participant that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) as applicable.
- d. **Provider Specifications:**
 - i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
 - ii. Must pass criminal background check.
- e. Participant Direction Option
 - i. Provider Directed Participant Directed

5. **Service Name:** Occupational Therapy

- a. **Description:** Services that are provided to the demonstration participant when they are unable to access needed occupational therapy from the state plan because of the geographic location of their out of state placement. The scope and nature of these services do not otherwise differ from the Occupational Therapy services described in the state plan. They may be either rehabilitative or habilitative in nature. Services that are rehabilitative in nature are only provided when the limits of occupational therapy services under the approved state plan are exhausted. .
- b. **Service Limits:**
 - i. These services are only available as specified in demonstration participant's plan of care and when prescribed by an appropriate health care professional. These services can be delivered on an individual basis or in groups.
 - ii. Services available through the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), as applicable, must be utilized before program services are made available.
- c. **Provider Specifications:**
 - i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
 - ii. Must pass criminal background check.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

6. **Service Name:** Physical Therapy

- a. **Description:** Services that are provided to the demonstration participant when they are unable to access needed physical therapy from the state plan because of the geographic location of their out of state placement. The scope and nature of these services do not otherwise differ from the Physical Therapy services described in the state plan. They may be either rehabilitative or

habilitative in nature. Services that are rehabilitative in nature are only provided when the limits of physical therapy services under the approved state plan are exhausted.

b. **Service Limits:**

- i. These services are only available as specified in demonstration participant's plan of care and when prescribed by an appropriate health care professional. These services can be delivered on an individual basis or in groups.
- ii. Services available through the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), as applicable, must be utilized before program services are made available.

c. **Provider Specifications:**

- i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
- ii. Must pass criminal background check.

d. Participant Direction Option

- i. Provider Directed Participant Directed

7. **Service Name:** Speech and Language Therapy

a. **Description:** Services that are provided to the demonstration participant when they are unable to access needed speech therapy from the state plan because of the geographic location of their out of state placement. The scope and nature of these services do not otherwise differ from the Speech Therapy services described in the state plan. They may be either rehabilitative or habilitative in nature. Services that are rehabilitative in nature are only provided when the limits of speech therapy services under the approved state plan are exhausted.

b. **Service Limits:**

- i. These services are only available as specified in demonstration participant's plan of care and when prescribed by an appropriate health care professional. These services can be delivered on an individual basis or in groups.
- ii. Services available through the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), as applicable, must be utilized before program services are made available.

c. **Provider Specifications:**

- i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
- ii. Must pass criminal background check.

d. Participant Direction Option

- i. Provider Directed Participant Directed

8. **Service Name:** Transportation

a. **Description:** Services which allow the individual to access services, activities, and resources, as specified by the Service Plan, and to participate in their communities.

b. **Service Limits:** This service may include provider-run transportation services, drivers, taxi fares, train and bus tickets, or other public transportation services or private contractors. The selected service chosen must be the most cost effective means of transportation that the individual is reasonably able to access. Reimbursement for mileage will not exceed the established rate.

c. **Provider Specifications:**

- i. Valid driver's license
- ii. Valid vehicle registration
- iii. Valid insurance

- iv. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

9. **Service Name:** Counseling and Psychological Supports

- a. **Description:** Services designed to provide counseling and psychological supports and services to demonstration participants when they are unable to access those services from the state plan because of the geographic location of their out-of-state residential placement.
- b. **Service Limits:** Services available through the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), as applicable, must be utilized before program services are made available.
- c. **Provider Specifications:**
 - i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
 - ii. Must pass criminal background check.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

10. **Service Name:** Behavioral Assessment and Management

- a. **Description:** Services designed to assist an individual with functional behavioral issues. These services may include a functional behavioral assessment, development of a behavioral support plan, implementation of behavioral interventions as specified in the plan, and ongoing monitoring of the behavioral support plan. Behavioral interventions are geared toward developing positive behaviors needed for the individual to remain safe and healthy and function in community environments.
- b. **Service Limits:** These services are only available as specified in demonstration participant's Service Plan.
- c. Services available through the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), as applicable, must be utilized before program services are made available.
- d. **Provider Specifications:**
 - i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
 - ii. Must pass a criminal background check.
- e. Participant Direction Option
 - i. Provider Directed Participant Directed

11. **Service Name:** Community Integration

- a. **Description:** Services provided outside of a residential setting that support and assist demonstration participants in educational or enrichment activities, as outlined in the Service Plan, that are intended to enhance inclusion in the community.
- b. **Service Limits:** These services can be delivered in an individual or group setting. These services may not be delivered simultaneously with Habilitation, Therapeutic Recreation, or Supported Employment.
- c. **Provider Specifications:**
 - i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
 - ii. Must pass criminal background check.

- d. Participant Direction Option
 - i. Provider Directed Participant Directed

12. **Service Name:** Routine Health Care and Medication

- a. **Description:** Routine health care services that are provided to the demonstration participant when they are unable to access those services from the state plan because of the geographic location of their out-of-state residential placement. These services include primary health care, nursing, medication, medication management, and other routine medical assistance.
- b. **Service Limits:** None.
- c. **Provider Specifications:**
 - i. Must meet all applicable licensing and credentialing standards in the state in which the service is rendered.
- d. Participant Direction Option
 - i. Provider Directed Participant Directed

Attachment D
New Jersey FamilyCare 1115 Demonstration
MLTSS Program Service Definitions

MLTSS Service Definition

A program that applies solely to individuals who meet MLTSS eligibility requirements and encompasses the NJ FamilyCare A benefit package, NJ FamilyCare ABP (excluding the ABP BH/SA benefit) as specified in Article 4.1.1.C, HCBS and institutionalization for long term care in a nursing facility or special care nursing facility.

Adult Family Care (Eligible for MFP 25%)

Adult Family Care (AFC) enables up to three unrelated individuals to live in the community in the primary residence of a trained caregiver who provides support and health services for the resident. AFC may provide personal care, meal preparation, transportation, laundry, errands, housekeeping, socialization and recreational activities, monitoring of participant's funds when requested by the participant, up to 24 hours a day of supervision, and medication administration.

Service Limitations:

Individuals that opt for AFC do not receive Personal Care Assistant services, Chore Services, Home-Delivered Meals, Home-Based Supportive Care, Caregiver/Participant Training, Assisted Living, or Assisted Living Program. Those services would duplicate services integral to and inherent in the provision of AFC services. A person may not receive long term care nursing home care at the same time they are in AFC. The individual service recipient or their authorized representative is responsible to pay the cost of room and board.

AFC Members may attend Social Adult Day Care two (2) days per week.

Provider Specifications:

- Licensed Adult Family Care (AFC) Sponsor Agency (Agency):
- Licensed by HFEL

MLTSS HIPAA COMPLIANT CODE:

S5140

Unit of Service: 1 day (Per Diem)

Licensing Entity: HFEL

Accredited by:

Regulation Cites:

Taxonomy Code:

Assisted Living Services (ALR, CPCH)

Assisted Living Services means a coordinated array of supportive personal and health services, and medication administration, available 24 hours per day, to residents who have been assessed to need these services including persons who require a nursing home level of care. Assisted Living Services include personal care, and medication oversight and administration throughout the day. A planned, diversified program of resident activities must be offered daily for residents, including individual and/or group activities, on-site or off-site, to meet the individual needs of residents. Assisted Living facilities also either arrange or provide for transportation that is specified in the Plan of Care and periodic nursing evaluations. Assisted Living promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity, and homelike surroundings.

1. Assisted Living Residence (ALR) means a facility which is licensed by the Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed, for four or more adult persons unrelated to the proprietor. Apartment units within the assisted living residence offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance. Residents in ALRs have access to both their own living unit's kitchen 24/7 and to a facility food and beverages 24/7.
2. Comprehensive Personal Care Home (CPCH) means a facility which is licensed by the Department of Health to provide room and board and to ensure that assisted living services are available when needed, to four or more adults unrelated to the proprietor. Residential units in comprehensive personal care homes house no more than two residents and have a lockable door on the unit entrance. Residents in CPCHs have access to facility food and beverages 24/7 and, if equipped, access to their own unit's food preparation area.

Service Limitations:

Individuals that opt for Assisted Living Services in an ALR/CPCH do NOT receive: Personal Care Assistant (PCA) services, Adult Day Health Services (ADHS), Adult Family Care, Assisted Living Program, Environmental Accessibility Adaptations, Chore Services, Personal Emergency Response Services, Home-Delivered Meals, Caregiver/Participant Training, Adult Day Health Services, Social Adult Day Care, Attendant Care, Home-Based Supportive Care, or Respite as they would duplicate services integral to and inherent in the provision of Assisted Living Services.

Individuals in an ALR/CPCH are responsible to pay their room and board costs.

Provider Specifications:

Assisted Living Facility licensed by the Department of Health pursuant to N.J.A.C. 8:36 as an Assisted Living Facility. Appropriateness for this type of housing is subject to screening through the housing screening process. Must meet licensing requirements, as applicable per:

- N.J.A.C. 8:34 - Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Licensing Board
- N.J.A.C. 8:36 - Standards For Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs
- N.J.A.C. 8:43E - Standards For Licensure of Residential Health Care Facilities, General Licensure Procedures and Enforcement of Licensure Regulations
- N.J.A.C. 8:43I - Criminal Background Investigations: Nurse Aides, Personal Care Assistants and Assisted Living Administrators

MLTSS HIPAA COMPLIANT CODE:

T2031 (ALR 1 DAY); T2031_U1 (CPCH 1 DAY)

Unit of Service: 1 day (per diem)

Licensing Entity: Health Facilities Evaluation and Licensing (HFEL)

Accredited by:

Regulation Cites: N.J.A.C. 8:34, 8:36, 8:43E, 8:43I

Taxonomy Code:

Assisted Living Program (ALP) (Eligible for MFP 25%)

Assisted Living Program (ALP) means the provision of assisted living services to the tenants/residents of certain publicly subsidized housing buildings. Assisted Living Programs are available in some subsidized senior housing buildings. Each ALP provider must be capable of providing or arranging for the provision of assistance with personal care, and of nursing, pharmaceutical, dietary and social work services to meet the individual needs of each resident.

Assisted Living Services include: personal care, homemaker, chore, medication oversight and administration throughout the day.

Individuals receiving services from an ALP reside in their own independent apartments. The individual is responsible for his or her own rent and utility payments as defined in a lease with the landlord. Individuals are also responsible for the cost of meals and other household expenses.

Having an ALP provider offers the subsidized housing tenants the opportunity to remain in their own apartments with the support of others, while maintaining their independence and dignity.

Participation in the services of an ALP is voluntary on the part of any tenant of any ALP contracted publicly subsidized housing building.

The ALP is to make available dining services and/or meal preparation assistance to meet the daily nutritional needs of residents.

ALP providers work with participants to ensure a strong sense of connectedness in each apartment community as well as with the larger communities in which they are located. Individuals may participate in tenant/resident meetings, attend community-based civic association meetings and plan recreational activities. Sometimes ALP providers host community health screening events to encourage wellness for the tenant population at large.

By state regulation, ALP providers must have written policies and procedures for arranging resident transportation to and from health care services provided outside of the program site, and must provide reasonable plans for security and accountability for the resident and his or her personal possessions. ALP Providers must develop a mechanism for the transfer of appropriate resident information to and from the providers of service, as required by individual residents and as specified in their service plans. ALP participants, not ALR or CPCH participants may attend Social Adult Day Care 2 (two) days a week; (3) three days with prior authorization.

Service Limitations:

Individuals that opt for ALP do NOT receive: Personal Care Assistant (PCA) services, Chore Service, Home-Based Supportive Care, Caregiver/Participant Training, Assisted Living, or Adult Family Care as they would duplicate services integral to and inherent in the provision of Assisted Living Program services. The subsidized housing provider is responsible for Environmental Accessibility Adaptations.

A person enrolled in the ALP is NOT permitted to attend Adult Day Health Services (also called medical day care) as it would duplicate an ALP service as required by N.J.A.C. 8:36-23.14(a).

The ALP provider must agree to accept the individual in the facility as a Medicaid MLTSS participant.

Provider Specifications:

Assisted Living Facility licensed by the Department of Health pursuant to N.J.A.C. 8:36 as an Assisted Living Facility. Appropriateness for this type of housing is subject to screening through the housing screening process. Must meet licensing requirements, as applicable per:

- N.J.A.C. 8:34 - Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Licensing Board
- N.J.A.C. 8:36 - Standards For Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs
- N.J.A.C. 8:43E - Standards For Licensure of Residential Health Care Facilities, General Licensure Procedures and Enforcement of Licensure Regulations
- N.J.A.C. 8:43I - Criminal Background Investigations: Nurse Aides, Personal Care Assistants and Assisted Living Administrators

MLTSS HIPAA COMPLIANT CODE:

T2031_U2 (ALP 1 DAY)

Unit of Service: 1 day (per diem)

Licensing Entity: Health Facilities Evaluation and Licensing (HFEL)

Accredited by:

Regulation Cites: N.J.A.C 8:34, 8:36, 8:43E, 8:43I

Taxonomy Code:

Behavioral Management - TBI (Group and Individual) (Eligible for MFP 25%)

A daily program provided by, and under the supervision of, a licensed psychologist or board-certified/board-eligible psychiatrist and by trained behavioral aides designed to service recipients who display severe maladaptive or aggressive behavior which is potentially destructive to self or others. The program, provided in the home or out of the home, is time-limited and designed to treat the individual and caregivers, if appropriate, on a short-term basis. Behavioral programming includes a complete assessment of the maladaptive behavior(s), development of a structured behavioral modification plan, implementation of the plan, ongoing training and supervision of caregivers and behavioral aides, and periodic reassessment of the plan. The goal of the program is to return the individual to the prior level of functioning which is safe for him/her and others.

Service Limitations:

Entry to this service is based on medical necessity criteria as defined in the contract. The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who transitions into MLTSS. Program enrollment requires prior evaluation and recommendation of a board-certified and eligible psychiatrist, a licensed neuro-psychologist or neuro-psychiatrist with subsequent consultation by same on an as-needed basis.

Provider Specifications:

- A board-certified and board-eligible psychiatrist
- Clinical psychologist
- Mental Health Agency
- A rehabilitation hospital
- Community Residential Services (CRS) provider
- Post-acute non-residential rehabilitative services provider agency

MLTSS HIPAA COMPLIANT CODE:

H0004_HQ = GROUP;

H0004 = INDIVIDUAL

Unit of Service: 15 minutes = ONE unit of service

Licensing Entity:

Accredited by:

Regulation Cite:

Taxonomy Code:

Caregiver/Participant Training (Eligible for MFP 25%)

Instruction provided to a client and/or caregiver in either a one-to-one or group situation to teach a variety of skills necessary for independent living, including but not limited to: coping skills to assist the individual in dealing with disability; coping skills for the caretaker to deal with supporting someone with long term care needs; and skills to deal with care providers and attendants. Examples include seminars on supporting someone with dementia, seminars to support someone with mobility difficulties. Training needs must be identified through the comprehensive evaluation, re-evaluation, or in a professional evaluation and must be identified in the approved plan of care as a required service.

Service Limitations:

Caregiver/Participant Training is not available to participants who have chosen Assisted Living Services, Assisted Living Program or Adult Family Care. This training will not duplicate the training that would be inherent in a therapist's scope of practice on instruction on use of adaptive equipment.

Provider Specifications:

- Individual with appropriate expertise (i.e. RN, OT) to train the recipient/caregiver as required by the Plan of Care (Individual Provider)
- Centers for Independent Living (CIL)
- Health Care Service Firm
- Licensed Medicare Certified Home Health Agency
- Adult Family Care Sponsor Agency
- Proprietary or Not-for-Profit Business entity

MLTSS HIPAA COMPLIANT CODE:

S5111

Unit of service: One visit per day

Licensing Entity:

Accredited by:

Regulation Cite:

Taxonomy Code:

Chore Services (Eligible for MFP 25%)

Services needed to maintain the home in a clean, sanitary and safe environment. The chores are non-continuous, non-routine heavy household maintenance tasks intended to increase the safety of the individual. Chore services include cleaning appliances, cleaning and securing rugs and carpets, washing walls, windows, and scrubbing floors, cleaning attics and basements to remove fire and health hazards, clearing walkways of ice, snow, leaves, trimming overhanging tree branches, replacing fuses, light bulbs, electric plugs, frayed cords, replacing door locks, window catches, replacing faucet washers, installing safety equipment, seasonal changes of screens and storm windows, weather stripping around doors, and caulking windows.

Service Limitations:

Chore services are not available to those who opt for Assisted Living Services, Assisted Living Program or Adult Family Care. Chore services are appropriate only when neither the participant, nor anyone else in the household, is capable of performing the chore; there is no one else in the household capable of financially paying for the chore service; and there is no relative, caregiver, landlord, community agency, volunteer, or third party payer capable or responsible to complete this chore.

Chore Services do not include normal everyday housekeeping tasks such as dusting, vacuuming, changing bed linens, washing dishes, cleaning the bathroom, etc. Utility providers who offer free services must be used first for home weatherization/energy efficiency products. In the case of rental property, the responsibility of the landlord pursuant to the lease is to be examined prior to any authorization for service. In the case of an individual residing in a community governed by a homeowner association or community trust, the obligations of the association or trust to make repairs and renovations also must be examined prior to any authorization for service

Provider Specifications:

- Private Contractor (Individual Provider)
- Subsidized Independent Housing for Seniors
- Is a business entity with evidence of authority to conduct such business in New Jersey, (i.e. New Jersey Tax Certificate or Trade Name Registration)
- Has any license required by law to engage in the service, provide furnishings, appliances, equipment
- Has product/business insurance, including Worker's Compensation, provides required evidence of qualifications and signs an agreement with the MCO to provide services prior to providing initial service.
- Participant Directed Provider

MLTSS HIPAA COMPLIANT CODE:

S5120 (15 minutes); S5121 (PER DIEM)

S5120 SE (15 minutes)

Unit of service = 15 Minutes; PER DIEM. No current limit on the maximum number of hours

Licensing Entity:

Accredited by:

Regulation Cite:

Taxonomy Code:

Cognitive Rehabilitation Therapy (Group and Individual) (Eligible for MFP 25%)

Therapeutic interventions for maintenance and prevention of deterioration which include direct retraining, use of compensatory strategies, use of cognitive orthotics and prostheses, etc. Activity type and frequency are determined by assessment of the participant, the development of a treatment plan based on recognized deficits, and periodic reassessments. Cognitive Rehabilitation therapy can be provided in various settings, including but not limited to the individual's own home and community, outpatient rehabilitation facilities, or residential programs. This service may be provided by professionals with the credentials, training, experience, and supervision noted in Provider Specifications.

MLTSS Cognitive Rehabilitation Therapy Services may be considered medically necessary when the following conditions are met:

1. The therapy is for a condition that requires a provider with the unique knowledge and skills in the provision of Cognitive Rehabilitation Therapy as delineated in the Provider Specifications noted below, and is a part of the beneficiary's skilled treatment plan;
2. There is an expectation that the therapy will incrementally (minimal unpredictable changes over longer lengths of time) improve and/or prevent the loss of previously achieved/attained progress;
3. An individual would either not be expected to develop the function or would be expected to permanently lose the function without the MLTSS Cognitive Rehabilitation Therapy service (not merely fluctuate);
4. The MLTSS Cognitive Rehabilitation Therapy on-going clinical documentation objectively continues to verify that, at a minimum, functional status is preserved while continued pursuit of incremental progress toward further development; and
5. The services are delivered by a qualified provider of Cognitive Rehabilitation Therapy services who has experience in delivery of therapy services to individuals with TBI.

Clinical assessment by the provider must be used to objectively determine and verify that, at a minimum, functional status is preserved while continued incremental (minimal unpredictable changes over longer lengths of time) progress towards further development is pursued. This will be utilized to establish member's need of MLTSS Cognitive Rehabilitation Therapy.

Service Limitations:

- The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who is assessed to be in need of Cognitive Rehabilitation Therapy and who transitions to MLTSS.
- MLTSS Cognitive Rehabilitation Therapy is provided for an individual with a TBI diagnosis. This therapy is not eligible under Medicare, Medicaid State Plan and/or Third Party coverage/benefits for this service.
- The ratio for group sessions may not be larger than ONE therapist to FIVE patients.
- The MCO will determine the number of authorized therapy units that will be included in a member's plan of care.

- A member may receive individual and group units of the same therapy; e.g. morning units of individual therapy and afternoon units of group therapy in the same day.
- A member may receive different therapies on the same day of service; e.g., morning units of individual ST, morning units of OT, and afternoon units of CRT.

Provider Specifications:

- Minimum of a master's degree or a degree in an allied health field from an accredited institution or holds licensure and/or certification; or
- Minimum of a bachelor's degree from an accredited institution in an allied health field where the degree is sufficient for licensure, certification or registration or in fields where licensure, certification or registration is not available (i.e., special education);
- Applicable degree programs including but not limited to communication disorders (speech), counseling, education, psychology, physical therapy, occupational therapy, recreation therapy, social work, and special education;
- Certified Occupational Therapy Assistants (COTAs) and Physical Therapy Assistants (PTAs) may provide this service only under the guidelines described in the New Jersey practice acts for occupational and physical therapists.
- Staff members who meet the above-mentioned degree requirements, but are not licensed or certified, may practice under the supervision of a practitioner who is licensed and/or meets the criteria for certification by the Society for Cognitive Rehabilitation (actual certification is not necessary so long as criteria is met).
 - Supervision
 - This service must be coordinated and overseen by a provider holding at least a master's degree. Provided by a professional that is licensed or certified. The master's level provider must ensure that bachelor's level providers receive the appropriate level of supervision, as delineated below.
 - Supervision for providers who are not licensed or certified is based on the number of years of experience
 - For staff with less than one year of experience: four hours of individual supervision per month.
 - For staff with one to five years' experience: two hours individual supervision per month
 - For staff with more than five years' experience: one hour per month.

All individuals who provide or supervise the service must complete 6 hours of relevant ongoing training in Cognitive Rehabilitation Therapy and/or brain injury rehabilitation. Training may include, but is not limited to, participation in seminars, workshops, conferences, and in-services.

MLTSS HIPAA COMPLIANT CODE:

INDIVIDUAL: 97532_SZ_59 (15 minutes)

GROUP: 96153_SZ_59 (15 minutes)

When a member is receiving multiple therapy sessions on the same day of service, the provider must use the modifier "59" in addition to the SZ modifier when submitting the claim for payment. This will permit the claim to be processed and not be subject to the NCCI conflict edits. If the member is only receiving one (a SINGLE) therapy session on a given date, the provider will NOT use the modifier "59"

Unit of Service: 15 minutes with a maximum allowable of no more than 8 units in a 24 hour period.

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Community Residential Services (CRS) (Eligible for MFP 25%)

A package of services provided to a participant living in the community, residence-owned, rented, or supervised by a CRS provider. The services include personal care, companion services, chore services, transportation, night supervision, and recreational activities. A CRS is a participant's home. The CRS provider is responsible for coordinating the service to ensure the participant's safety and access to services as determined by the participant and care manager. Participants are assigned one of three levels of supervision. These levels are determined by the dependency of the participant. The care manager, in conjunction with CRS staff, evaluate participant, using the "LEVEL OF CARE GUIDELINES FOR CRS" form as a guide.

Service Limitations:

The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who is transitioning to MLTSS. The level of assessment is assessed minimally on an annual basis, more frequently if there is a change in participants' care. Only one level of service can be billed per 24-hour period (12:00 a.m. to 11:59 p.m.)

- The participant must have a diagnosis of TBI and meet MLTSS Nursing Facility Level of Care
- The participant or their responsible party must pay room and board costs
- The participant must agree to receive the therapy services of the CRS provider

Provider Specifications:

- Current license per N.J.A.C 10:44C to operate as a group home for individuals with a diagnosis of TBI

MLTSS HIPAA COMPLIANT CODES:

SERVICE BASED ON LEVEL OF NEED:

- Low Level Supervision: T2033
- Moderate Level Supervision: T2033_TF
- High Level Supervision: T2033_TG

Unit of Service: per diem

Licensing Entity:

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
OFFICE OF LICENSING
DEVELOPMENTAL DISABILITIES LICENSING

Accredited by:

Regulation Cites: N.J.A.C. 10:44C

Taxonomy Code:

Community Transition Services (Eligible for MFP 25%)

Those services provided to a participant that may aid in the transitioning from institutional settings to his/her own home in the community through coverage of non-recurring, one-time transitional expenses. This service is provided to support the health, safety and welfare of the participant. Allowable expenses are those necessary to enable a person to establish a basic household that do not constitute room and board and may include:

- security deposits and necessary application fees that are required to obtain a lease on an apartment or home;
- essential household furnishings and moving expenses required to occupy and use a community domicile, including furniture, window coverings, food preparation items, and bed/bath linens;
- set-up fees or deposits for utility or service access, including telephone, electricity, heating and water;
- services necessary for the individual's health and safety such as pest eradication and one-time cleaning prior to occupancy;
- necessary accessibility adaptations to promote safety and independence; and
- activities to assess need, arrange for and procure needed resources.

Service Limitations:

- Limit of up to \$5,000.
- Community Transition Services do not include residential or vehicle modifications. Community Transition Services do not include recreational items such as televisions, cable television access or video players.
- Community Transition Services do not include monthly rental or mortgage expenses. Payment for security deposit is not considered rent.
- Community Transition Services do not include recurring expenses such as food and regular utility charges.
- Community Transition Services do not include payment for room and board.
- Community Transition Services are one-time per the life of the individual.
- Community Transition Services are furnished only to the extent that they are reasonable and necessary as determined through the service plan development process, clearly identified in the service plan, and the person is unable to meet such expense or when the services cannot be obtained from other sources.
- Service is based on identified need as indicated in the plan of care.

MLTSS HIPAA COMPLIANT CODE:

T2038; T2038_U6 for administration

Unit of Service: As negotiated per the MCO.

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Home Based Supportive Care (Eligible for MFP 25%)

Home-Based Supportive Care (HBSC) services are designed to assist MLTSS participants with their Instrumental Activities of Daily Living (IADL) needs. HBSC are available to individuals whose Activities of Daily Living (ADL) needs are provided by non-paid caregivers such as a family member or as a wrap-around service to non-Medicaid programs such as Veterans Health Care System that are assisting participants with their ADL health related tasks. HBSC services must address IADL deficits identified through the NJ Choice comprehensive assessment process and go beyond “health-related” services.

HBSC is distinct from the state plan service of Personal Care Assistant (PCA) in that it does not include “hands on personal care”. According to N.J.A.C. 10:60-1.2, PCA services means “health related tasks performed by a qualified individual in a beneficiary’s home, under the supervision of a Registered Nurse, as certified by a physician in accordance with a beneficiary’s written plan of care”.

HBSC includes services such as, but not limited to the following: meal preparation, grocery shopping, money management, light housework, laundry.

Service Limitations:

HBSC is not available for those who have chosen Assisted Living Services (ALR, CPCH, ALP). Since the PCA state plan service can assist with IADL, HBSC is offered only when ADL related tasks are provided by a caregiver or another non-Medicaid program.

Provider Specifications:

- Licensed Home Health Agency
- Licensed Health Care Service Firm
- Licensed Employment Agency or Temporary Help Agency
- Congregate Housing Services Program
- Licensed Hospice Provider
- Participant Directed Provider

MLTSS HIPAA COMPLIANT CODE:

S5130 (15 minutes)

S5130 HQ - Group Homemaker Service, NOS per 15 minutes; T1022_SE Self Directed

Unit of Service = 15 minutes

Licensing Entity:

Accredited by:

Regulation Cites: N.J.A.C. 10:60-1.2

Taxonomy Codes:

Home-Delivered Meals (Eligible for MFP 25%)

Nutritionally balanced meals delivered to the participant's home when this meal provision is more cost effective than having a personal care provider prepare the meal. These meals do not constitute a full nutritional regimen, but each meal must provide at least 1/3 of the current Dietary Reference Intakes (DRIs) established by the Food & Nutrition Board of the National Academy of Sciences, and National Research Council.

Criteria: Home-delivered meals are provided to an individual residing in an unlicensed residence, only when the participant is unable to prepare the meal, unable to leave the home independently, and there is no other caregiver, paid or unpaid, to prepare the meal. No more than one meal per day will be provided through the MLTSS benefit.

Persons eligible for home delivered meals are those individuals:

1. Who are home-bound;
2. Are 18 years of age and older;
3. Incapacitated due to accident, illness, or frailty;
4. Unable to prepare meals because of lack of facilities, inability to shop or cook for self, unable to prepare meals safely, or lack knowledge and skills to prepare meals;
5. Lacking support from family, friends, neighbors or other caregivers to help secure meals;
6. Receives home health aide services less than three hours a day.

Menus for Home Delivered Nutrition programs must be certified and documented as meeting DRI standards by a qualified nutritionist.

An in home assessment is required, to determine if a weekly or biweekly delivery of refrigerated or frozen meals is suitable for the participant. Specifically:

- The client indicates a preference for refrigerated /frozen meal;
- The client must have adequate storage to safely store the frozen meals;
- The client must have the needed appliance to safely prepare the frozen meals and must demonstrate their ability in using the appliance safely.

The individual delivering the meal must bring to the attention of appropriate officials, conditions or circumstances that place the older person or household in imminent danger.

Service Limitations:

When the participant's needs cannot be met due to: geographic inaccessibility, special dietary needs, the time of day or week the meal is needed, a meal may be provided by restaurants, cafeterias, or caterers who comply with current DRIs, the New Jersey State Department of Health and local Board of Health regulations for food service establishments.

Home-Delivered Meals are not provided in an Assisted Living Facility (ALR/CPCH ONLY) or Adult Family Care as meal provision is included in the Assisted Living Facility or Adult Family Care service package. A Home-Delivered Meal is not to be used to replace the regular form of

“board” associated with routine living in an Assisted Living Facility or Adult Family Care Home.

A Home Delivered Meal may be provided in Assisted Living Program (ALP)

Provider Specifications:

- Area Agency on Aging (AAA) Title III Nutrition Program
- Provider of Meal Service, who meets the criteria set forth in New Jersey Standards for the Nutrition Program for Older Americans, PM 2011-33, I-164, dated January 3, 2012.
- All Home Delivered Nutrition providers must ensure that the meals meet one-third (1/3) RDI requirements and all food handling must comply with NJAC 8:24-1, “Chapter 24 Sanitation in Retail Food Establishments and Food and Beverage Vending Machines.” Additionally, the state Department of Health/Division of Epidemiology, Environmental and Occupational Health and/or local health department personnel will conduct routine unannounced operational inspections of all caterers, kitchens and sites involved in the program annually as often as deemed necessary. Follow-up inspections are conducted and/or initiate legal action when conditions warrant.
- Home Delivered Nutrition programs will provide at least one hot or other appropriate home delivered meal, daily for five or more days per week

MLTSS HIPAA COMPLIANT CODE:

S5170

Unit of Service: One Meal per day

Licensing Entity: Department of Health

Accredited by:

Regulation Cite: NJAC 8:24-1, “Chapter 24 Sanitation in Retail Food Establishments and Food and Beverage Vending Machines”, New Jersey Standards for the Nutrition Program for Older Americans, PM 2011-33, I-164, dated January 3, 2012

Taxonomy Code:

Medication Dispensing Device: SET UP (Eligible for MFP 25%)

This may include an electronic medication-dispensing device that allows for a set amount of medications to be dispensed as per the dosage instructions. If the medication is not removed from the unit in a timely manner the unit will "lock" that dosage, not allowing the participant access to the missed medication. Before locking, the unit will use a series of verbal and/or auditory reminders that the participant is to take his or her medication. If there is no response, a telephone call will be made to the participant, participant's contact person, and care management site in that order until a "live" person is reached. Installation, upkeep and maintenance of device/systems are provided.

Service Limitations:

Per Medical Necessity as defined in the contract. Medication Dispensing Device is for an individual who lives alone or who is alone for significant amounts of time per the plan of care. Individuals might not have a regular care giver for extended periods of time or would require extensive routine supervision.

Provider Specifications:

The provider must apply and become approved through the MCO.

MLTSS HIPAA COMPLIANT Code: T1505

Unit of Service: Per Occurrence

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Medication Dispensing Device: Monthly Monitoring (Eligible for MFP 25%)

This may include an electronic medication-dispensing device that allows for a set amount of medications to be dispensed as per the dosage instructions. If the medication is not removed from the unit in a timely manner, the unit will "lock" that dosage, not allowing the participant access to the missed medication. Before locking, the unit will use a series of verbal and/or auditory reminders that the participant is to take his or her medication. If there is no response, a telephone call will be made to the participant, participant's contact person, and care management site in that order until a "live" person is reached. Installation, upkeep and maintenance of device/systems are provided.

Service Limitations:

Per Medical Necessity as defined in the contract. Medication Dispensing Device is for an individual who lives alone or who is alone for significant amounts of time per the plan of care. Individuals might not have a regular care giver for extended periods of time or would require extensive routine supervision.

Provider Specifications:

The provider must apply and become approved through the MCO.

MLTSS HIPAA COMPLIANT CODE: S5185

Unit of Service: Monthly Monitoring Fee

Licensing Entity:

Regulation Cites:

Accredited by:

Taxonomy Code:

Non-Medical Transportation (Eligible for MFP 25%)

Service offered to enable individuals to gain access to community services, activities and resources specified in the Plan of Care. This service is offered in addition to medical transportation required under 42 Code of Federal Regulations 431.53 and transportation services under the state plan, defined at 42 Code of Federal Regulations 440.170(a) (if applicable), and must not replace them. Transportation services must be offered in accordance with the individual's plan of care. Transportation is a service that enhances the individual's quality of life. An approved provider may transport the participant to locations including but not limited to: shopping; beauty salon; financial institution; or religious services of his or her choice.

Service Limitations:

Services are limited to those that are required for implementation of the plan of care. Whenever possible, family, neighbors, friends, public transit, tickets, or community agencies, which can provide this service without charge, will be utilized.

Provider Specifications

- Vehicle must be maintained in proper operating condition and must meet the requirements of New Jersey regulations, as evidenced by a valid inspection sticker.
- Owner must have proof of liability insurance coverage for the vehicle
- Owners and drivers are required to undergo civil and criminal background checks
- Evidence of Insurance, i.e. Declaration Page from Insurance Company
- Provides Description of vehicles used in service and copies of any required licenses.
- Vehicle appropriately registered, inspected and insured. Driver licensed to operate the vehicle.
- Provides proof of New Jersey Business Authority, i.e. tax certificate or trade name registration.
- Provides Fee Schedule.
- Participant Directed Provider

MLTSS HIPAA COMPLIANT CODES:

T2002 (per diem)

T2003: Per service (Encounter/Trip)

T2003SE: (self-directed) – Encounter/Trip

Unit of Service: One Way Trip

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Nursing Facility and Special Care Nursing Facility Services (Custodial)

A facility that is licensed (per N.J.A.C 8:39 and 8:85) to provide health care under medical supervision and continuous nursing care for 24 or more consecutive hours to two or more patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board. NF/SCNF residents are those individuals who require services which address the medical, nursing, dietary and psychosocial needs that are essential to obtaining and maintaining the highest physical, mental, emotional and functional status of the individual. Care and treatment must be directed toward development, restoration, maintenance, or the prevention of deterioration. Care must be delivered in a therapeutic health care environment with the goal of improving or maintaining overall function and health status. The therapeutic environment must ensure that the individual does not decline (within the confines of the individual's right to refuse treatment) unless the individual's clinical condition demonstrates that deterioration was unavoidable.

All Medicaid participating NFs and SCNFs must provide or arrange for services in accordance with statutory and regulatory requirements under 42 CFR 483 and Department of Health licensing rules at N.J.A.C. 8:39.

Reimbursement of NF services is discussed in N.J.A.C. 8:85-3.

NF and SCNF services must be delivered within an interdisciplinary team approach. The interdisciplinary team must consist of a physician and a registered professional nurse and may also include other health professionals as determined by the individual's health care needs. The interdisciplinary team performs comprehensive assessments and develops the interdisciplinary care plan.

Service Limitations:

The individual must meet Nursing Facility Level of Care as determined and/or authorized by the NJ Department of Human Services, Office of Community Choice Options or their designee. Provider Specifications: Current license to operate as a Nursing Facility in NJ as per the Department of Health's N.J.A.C. 8:39 and 8:85.

Unit of Service: 1 day

MLTSS HIPAA COMPLIANT CODE:

Revenue Codes:

NFs: Rev codes 0100, 0119, 0120, 0129, 0139,0149, 0159,0169

SCNF: Rev codes 0100, 0119, 0120, 0129, 0139,0149, 0159,0169

Licensing Entity: NJ Department of Health, Health Facilities Evaluation and Licensing

Regulation Cite: 42 CFR 483 and N.J.A.C. 8:39 and 8:85.

Accredited by:

Taxonomy Code:

Occupational Therapy (Group and Individual) (Eligible for MFP 25%)

MLTSS Occupational Therapy Services are intended to incrementally (minimal unpredictable changes over longer lengths of time) develop or improve skills, or prevent the loss of previously achieved/attained progress which is at risk of being lost as a result of a traumatic or acquired non-degenerative brain injury (TBI/ABI). MLTSS Occupational Therapy is also intended to allow a member to acquire new skills that will allow them to function optimally in their current or future least restrictive environment.

MLTSS Occupational Therapy Services may be considered medically necessary when all of the following conditions are met:

1. The therapy is for a condition that requires the unique knowledge, skills, and judgment of an Occupational Therapist (OT) (OT) for education and training that is part of a clinician's skilled plan of treatment; There is an expectation that the therapy will incrementally (minimal unpredictable changes over longer lengths of time) improve and/or prevent the loss of previously achieved/attained progress;
2. An individual would either not be expected to develop the function or would be expected to permanently lose the function without the MLTSS Occupational Therapy service (not merely fluctuate);
3. The MLTSS Occupational Therapy on-going clinical documentation objectively continues to verify that, at a minimum, functional status is preserved while continued pursuit of incremental progress toward further development; and
4. The services are delivered by a qualified provider of occupational therapy services who has experience in delivery of therapy services to individuals with TBI.

Clinical assessment by the OT must be used to objectively determine and verify that, at a minimum, functional status is preserved while continued incremental (minimal unpredictable changes over longer lengths of time) progress towards further development is pursued. This will be utilized to establish member's need of MLTSS Occupational Therapy.

Service Limitations:

- Third party liability must, if available, be used first and to the fullest extent possible prior to accessing MLTSS occupational therapy services.
- Per Medical Necessity as defined in the contract.
- The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who is assessed to be in need of occupational therapy and who transitions to MLTSS.
- The ratio for group sessions may not be larger than ONE therapist to FIVE members.
- The MCO will determine the number of authorized therapy units that will be included in a member's plan of care.
- If a clinical evaluation of the member demonstrates that the member has the potential to achieve significant improvement in restoration of, or compensation for loss of function in a reasonable and generally predictable period of time, or, the member would benefit from the establishment of a maintenance program, rehabilitation/maintenance programs are

available through other payor sources (i.e. Medicare, Medicaid State Plan or other third party liability such as commercial health insurance) and not a covered MLTSS service.

- If skilled therapy services by a qualified therapist are needed to instruct the patient or appropriate caregiver regarding the **maintenance program**, such instruction is covered by other payor sources (i.e., Medicare, Medicaid State Plan or other third party liability such as commercial health insurance).
- Periodic evaluations of the member's condition and response to treatment may be covered via the Medicare, Medicaid State Plan or other third party liability benefit when medically necessary, as identified by a qualified professional.
- A member may receive individual and group sessions of the same therapy in the same day; e.g., a morning session of individual therapy and an afternoon session of group therapy.
- A member may receive different therapies on the same day of service; e.g., morning session of individual ST, morning session of OT, and an afternoon session of CRT.
- A member must be evaluated by a licensed therapist at least annually or upon change in condition to determine whether the beneficiary has the need for skilled therapy service delivery and/or qualifies for rehabilitation or habilitation services. Documentation supporting this evaluation must be maintained in provider clinical records.
- Occupational therapy services require the clinical skills of a licensed occupational therapist or occupational therapy assistant (or their students, in accordance with state OT licensing guidelines), for the duration of service delivery.

Provider Specifications:

- A rehabilitation hospital per NJAC 8:43 – 1.1 et. seq. and NJAC 10:54-5
- Community Residential Services (CRS) provider per NJAC 10:44c
- Licensed, certified home health agency per NJAC 8:42 and certified by the center for Medicare and Medicaid Services
- Post-acute non-residential rehabilitative services provider agency
- Individuals rendering MLTSS Occupational Therapy services must be registered as an occupational therapist (OTR) with the American Occupational Therapy Association (AOTA). A certified occupational therapy assistant (COTA) must be registered with the AOTA and work under the supervision and direction of an OTR.
- Individuals rendering occupational therapy services must also be licensed/certified in accordance with state practice law

Unit of Service: 15 Minutes with a maximum allowable of no more than 8 units in a 24 hour period.

MLTSS CPT CODES:

CPT Code: 97535_SZ_59 – Individual, 15 minutes unit of service

CPT Code 97150_SZ_59 – Group, 15 minute unit of service

NOTE: For Free Standing Clinic or ANY therapy service provided out of the home; EXISTING Codes must be used. The modifier of SZ must be used to signify the MLTSS benefit is being used.

When a member is receiving multiple therapy sessions on the same day of service, the provider must use the modifier "59" in addition to the modifier for MLTSS when submitting the claim for payment. This will permit the claim to be processed and not be subject to the NCCI conflict edits. If the member is only receiving one (a SINGLE) therapy session on a given date, the provider will NOT use the modifier "59".

Unit of Service: 15 minutes

Licensing Entity:

Regulation Cites:

- A rehabilitation hospital per NJAC 8:43 – 1.1 et. seq. and NJAC 10:54-5
- N.J.A.C. 13:44K
- Community Residential Services (CRS) provider per NJAC 10:44c
- Licensed, certified home health agency per NJAC 8:42 and certified by the center for Medicare and Medicaid Services
- Medicare Local Coverage Determination (LCD): Therapy and Rehabilitation Services (PT, OT) (L35036) – effective 4/1/2016
- Medicare Benefit Policy Manual, Chapter 15 - Section 220.2 - Reasonable and Necessary Outpatient Rehabilitation Therapy Services (Rev. 221 effective 3-11-2016)
- 42CFR410.59
- 42CFR410.60

Accredited by:

Taxonomy Code:

Personal Emergency Response System (PERS): SET UP (Eligible for MFP 25%)

Personal Emergency Response System (PERS) is an electronic device which enables participants at high risk of institutionalization to secure help in an emergency. The individual may also wear a portable "help" button to allow for mobility. The system is connected to the person's phone and is programmed to signal a response center once a "help" button is activated. The response center is staffed by trained professionals. The service consists of two components both of which are managed by the PERS contractor; first is the initial installation of the equipment and the second is the monitoring of the service by staff at the response center. The addition of the fiscal intermediary is the modification to the provider specifications. Previously the provider of the specific service was required to execute a purchase agreement with the case management agency; now that agreement is between the fiscal intermediary and the service provider.

Service Limitations:

Per Medical Necessity as defined in the contract. PERS is for an individual, age 18 or over, who lives alone or who is alone for significant amounts of time per the plan of care. Individuals might not have a regular care giver for extended periods of time or would require extensive routine supervision.

Provider Specifications:

The provider must apply and become approved through the MCO.

MLTSS HIPAA COMPLIANT CODE:

S5160

Unit of Service: One time set-up fee. Cost per provider.

Licensing Entity:

Accredited by:

Regulation Cite:

Taxonomy Code:

Personal Emergency Response System (PERS): Monitoring (Eligible for MFP 25%)

Personal Emergency Response System (PERS) is an electronic device which enables participants at high risk of institutionalization to secure help in an emergency. The individual may also wear a portable "help" button to allow for mobility. The system is connected to the person's phone and is programmed to signal a response center once a "help" button is activated. The response center is staffed by trained professionals. The service consists of two components both of which are managed by the PERS contractor: first is the initial installation of the equipment and the second is the monitoring of the service by staff at the response center. The addition of the fiscal intermediary is the modification to the provider specifications. Previously the provider of the specific service was required to execute a purchase agreement with the case management agency; now that agreement is between the fiscal intermediary and the service provider.

Service Limitations:

Per medical necessity criteria as defined in the MCO contract. PERS is for an individual who lives alone or who is alone for significant amounts of time per the plan of care. Individuals might not have a regular care giver for extended periods of time or would require extensive routine supervision.

Provider Specifications:

The provider must apply and become approved through the MCO.

MLTSS HIPAA COMPLIANT CODE:

S5161 – Standard Landline
S5161_U1 – Cellular Unit
S5161_U2 – Cellular Unit with fall detection
S5161_U3 – Mobile Unit
S5161_U4 – Standard Landline Unit with Fall Detection

Unit of Service: Monthly Monitoring Fee

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Physical Therapy (Group and Individual) (Eligible for MFP 25%)

MLTSS Physical Therapy Services are intended to incrementally (minimal unpredictable changes over longer lengths of time) develop or improve skills, or prevent the loss of previously achieved/attained progress which is at risk of being lost as a result of a traumatic or acquired, non degenerative brain injury (TBI/ABI). MLTSS Physical Therapy is also intended to allow a member to acquire new skills that will allow them to function optimally in their current or future least restrictive environment.

MLTSS Physical Therapy Services may be considered medically necessary when all of the following conditions are met:

1. The therapy is for a condition that requires the unique knowledge, skills, and judgment of the Physical Therapist (PT) for education and training that is part of a clinician's skilled plan of treatment;
2. There is an expectation that the therapy will incrementally (minimal unpredictable changes over longer lengths of time) improve and/or prevent the loss of previously achieved/attained progress;
3. An individual would either not be expected to develop the function or would be expected to permanently lose the function without the MLTSS Physical Therapy service (not merely fluctuate);
4. The MLTSS Physical Therapy on-going clinical documentation objectively continues to verify that, at a minimum, functional status is preserved while continued pursuit of incremental progress toward further development; and
5. The services are delivered by a qualified provider of physical therapy services who has experience in delivery of therapy services to individuals with TBI.

Clinical assessment by the PT must be used to objectively determine and verify that, at a minimum, functional status is preserved while continued incremental (minimal unpredictable changes over longer lengths of time) progress towards further development is pursued. This will be utilized to establish member's need of MLTSS Physical Therapy.

Service Limitations:

- Third party liability must, if available, be used first and to the fullest extent possible prior to accessing MLTSS physical therapy services.
- Per Medical Necessity as defined in the contract.
- The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who is assessed to be in need of physical therapy and who transitions to MLTSS.
- The ratio for group sessions may not be larger than ONE therapist to FIVE members.
- The MCO will determine the number of authorized therapy units that will be included in a member's plan of care.
- If a clinical evaluation of the member demonstrates that the member has the potential to achieve significant improvement in restoration of, or compensation for loss of function in a reasonable and generally predictable period of time, or the member would benefit from the establishment of a maintenance program, rehabilitation/maintenance programs are

available through other payor sources (i.e. Medicare, Medicaid State Plan or other third party liability such as commercial health insurance) and not a covered MLTSS service.

- If skilled therapy services by a qualified therapist are needed to instruct the patient or appropriate caregiver regarding the **maintenance program**, such instruction is covered by other payor sources (i.e., Medicare, Medicaid State Plan or other third party liability such as commercial health insurance).
- Periodic evaluations of the member's condition and response to treatment may be covered via the Medicare, Medicaid State Plan or other third party liability benefit when medically necessary, as identified by a qualified professional.
- A member may receive individual and group sessions of the same therapy in the same day; e.g., a morning session of individual therapy and an afternoon session of group therapy.
- A member may receive different therapies on the same day of service; e.g., morning session of individual ST, morning session of OT, and an afternoon session of CRT.
- A member must be evaluated by a licensed therapist at least annually or upon change in condition to determine whether the beneficiary has the need for skilled therapy service delivery and/or qualifies for rehabilitation or habilitation services. Documentation supporting this evaluation must be maintained in MCO and provider clinical records.
- Physical therapy services require the clinical skills of a licensed physical therapist or licensed physical therapy assistant (or their students, in accordance with state PT licensing guidelines), for the duration of service delivery.

Provider Specifications:

- A rehabilitation hospital per NJAC 8:43 – 1.1 et. seq. and NJAC 10:54-5
- Community Residential Services (CRS) provider per NJAC 10:44c
- Licensed, certified home health agency per NJAC 8:42 and certified by the center for Medicare and Medicaid Services
- Post-acute non-residential rehabilitative services provider agency
- Clinical assessment by the PT must be used to objectively determine and verify that, at a minimum, functional status is preserved while continued incremental (minimal unpredictable changes over longer lengths of time) progress towards further development is pursued. This will be utilized to establish member's need of MLTSS Physical Therapy.

MLTSS CPT CODES:

Individual: 97110_SZ_59 (15 minutes);

Group: S8990_SZ _ HQ (15 minutes);

NOTE: For Free Standing Clinic or ANY therapy service provided out of the home, EXISTING Codes must be used. The modifier of SZ must be used to signify the MLTSS benefit is being used.

When a member is receiving multiple therapy sessions on the same day of service, the provider must use the modifier "59" in addition to the SZ modifier when submitting the claim for payment. This will permit the claim to be processed and not be subject to the NCCI conflict edits. If the member is only receiving one (a SINGLE) therapy session on a given date, the provider will NOT use the modifier "59".

Unit of Service:

Individual: 15 minutes with no more than six (6) units maximum allowable in a 24-hour period.

Group: 15 minutes with no more than eight (8) units maximum allowable in a 24-hour period.

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Private Duty Nursing (Eligible for MFP 25%)

Private Duty Nursing must be a covered service only for those beneficiaries enrolled in MLTSS and the DDD Supports Plus PDN program operated by DDD. When payment for private duty nursing services is being provided or paid for by another source, the benefit of private duty nursing hours must supplement the other source up to a maximum of 16 hours per day, including services provided or paid for by the other sources, if medically necessary, and if cost of service provided is less than institutional care.

The 16 hours per day limitation for PDN services noted above and below must not apply to children under the age of 21 years who are eligible for Medicaid/NJ FamilyCare EPSDT services.

Service Limitations:

Per Medical Necessity as defined in the contract. Private Duty Nursing services are provided in the community only (the home or other community setting of the individual), and not in hospital inpatient or nursing facility settings. Private Duty Nursing services are a state plan benefit for children under the age of 21. EPSDT services must be exhausted before accessing MLTSS PDN. Children who meet the eligibility criteria for MLTSS services contained in this dictionary must not have their access to Medicaid EPSDT services limited through the language contained in this document. For adults over the age of 21, private duty nursing is provided under the MLTSS benefit and through the DDD Supports Plus program. Persons meeting NF level of Care are eligible to receive private duty nursing. Private Duty Nursing criteria is based on medical necessity, and is prior approved by the MCO in a plan of care. Private duty nursing is individual, continuous, ongoing nursing care in the home, and is a service available to a beneficiary only after enrollment in MLTSS, or in the case of DDD Supports Plus PDN, being determined as meeting nursing facility level of care.

- (a) Private duty nursing services must be provided in the community only and not in an inpatient hospital or nursing facility setting. Services must be provided by a registered nurse (RN) or a licensed practical nurse (LPN).
 - 1. Private Duty Nursing (PDN) services rendered during hours when the beneficiary's normal life activities take him or her outside the home will be reimbursed. If a beneficiary seeks to obtain PDN services to attend school or other activities outside the home, but does not need such services in the home, there is no basis for authorizing PDN services. Only those PDN beneficiaries who require, and are authorized to receive, private duty nursing services in the home may utilize the approved hours outside the home during those hours when normal life activities take the beneficiary out of the home.
 - 2. Due to safety concerns, the nurse must not be authorized to engage in non-medical activities while accompanying the client, including the operation of a motor vehicle.
- (b) Private Duty Nursing must be a covered service only for those beneficiaries enrolled MLTSS or the DDD Supports Plus program, when payment for Private Duty Nursing services is being provided or paid for by another source (that is, insurance), Private Duty

Nursing hours must supplement up to a maximum of 16 hours per day, including services provided or paid for by the other sources, if medically necessary, and if cost of service provided is less than institutional care.

- (c) Private Duty Nursing services must be limited to a maximum of 16 hours, including services provided or paid for by other sources, in a 24-hour period, per person. There must be a live-in primary adult caregiver (as defined in N.J.A.C. 10:60-1.2) who accepts 24-hour per day responsibility for the health and welfare of the beneficiary unless the sole purpose of the private duty nursing is the administration of IV therapy. (See N.J.A.C. 10:60-6.3(b)2 and 7.4(a)2 for exceptions to 16-hour maximum in a 24-hour period.)

Approval for private duty nursing service is provided by the Managed Care Organization for MLTSS beneficiaries and DDD Supports Plus PDN enrollees. Approval is provided by the state for Fee For Service beneficiaries.

Provider Specifications:

Registered nurse or a licensed practical nurse under the direction of the enrollee's physician.

Private Duty Nursing services must be provided by a licensed home health agency, voluntary non-profit homemaker agency, private employment agency and temporary-help service agency approved by DMAHS/the MCO. The voluntary nonprofit homemaker agency, private employment agency and temporary help-service agency must be accredited, initially and on an ongoing basis.

“Accreditation organization” means an agency approved by the Department of Human Services to provide quality oversight of Medicaid/NJ FamilyCare home care agencies and certify that services are being performed in accordance with acceptable practices and established standards.

MLTSS HIPAA COMPLIANT CODE:

T 1000_UA = Combination of LPN and RN

T 1002_UA = RN

T 1003_UA = LPN

Unit of Service: 15 minutes

Licensing Entity:

Accredited by:

Regulation Cites: N.J.A.C 10:60-5, N.J.A.C. 10:60-1.2, See N.J.A.C. 10:60-6.3(b)2 and 7.4(a)2 for exceptions to 16-hour maximum in a 24-hour period.

Taxonomy Code:

Residential Modifications (Eligible for MFP 25%)

Those physical modifications/adaptations to a participant's private primary residence required by his/her plan of care which are necessary to ensure the health, welfare and safety of the individual, or which enable him/her to function with greater independence in the home or community and without which the individual would require institutionalization. Such adaptations may include the installation of ramps and grab bars, widening of doorways, modifications of bathrooms, or installation of specialized electrical or plumbing systems that are necessary to accommodate the medical equipment and supplies which are needed for the health, safety and welfare of the individual.

Service Limitations:

Residential Modifications are limited to \$5,000 per calendar year, \$10,000 lifetime.

Participants living in licensed residences (ALR, CPCH, ALP, and Class B & C Boarding Homes) are not eligible to receive Residential Modifications. Adaptations to rented housing units must have the prior written approval of the landlord. Continued tenancy of at least one year is to be assured prior to approval of the request. Modifications to public areas of apartment buildings, communities governed by a homeowner association or community trust and/or rental properties are the responsibility of the owner/landlord, association or trust and excluded from this benefit.

Residential Modifications may not be furnished to adapt living arrangements that are owned or leased by providers of waiver services, except for approved Adult Family Care (AFC) Caregivers' homes. All residential modifications are limited based on the participant's assessed need. The adaptation will represent the most cost effective means to meet the needs of the participant.

Excluded from this service are those modifications to the home that are of general utility and are not of direct medical or remedial benefit to the individual, such as carpeting, roof repair, central air conditioning, etc. Adaptations that add to the total square footage of the home are excluded from this benefit except when necessary to complete an adaptation (e.g., in order to improve entrance/egress to a residence or to configure a bathroom to accommodate a wheelchair).

All services must be provided in accordance with applicable state/local building codes.

If it is determined that one of the above limitations would prevent the MCO from implementing a more appropriate or cost effective method of support or ensuring the health, safety and well-being of an individual, the MCO may exceed these limitations in those specific circumstances. The need to exceed the limitation must be documented in the plan of care.

A letter from the owner of the property approving the modification to the property and acknowledging that the state/MCO is not responsible for the removal of the modification from the property is required.

Provider Specifications:

The provider must be licensed in NJ per the NJ Division of Consumer Affairs, NJSA 56:8-136 et seq. as a home repair contractor and exist in the NJ Division of Consumer Affairs database located at: <http://www.njconsumeraffairs.gov/LVinfo.htm>

The provider must apply and become approved through the MCO.

- The Contractor must provide his/her license number.
- Each provider must meet applicable state and county requirements for licensure, certification, or other qualifications necessary to conduct the scope of business.
- Evidence of permits and approvals must be available as required.
- All improvements must meet applicable state and local building and safety codes. (N.J.A.C. 5:23-2)
- All services must be provided in accordance with applicable state, local and Americans with Disabilities Act (ADA) and/or ADA Accessibility Guidelines (ADAAG) and specifications.

MLTSS HIPAA COMPLIANT CODE:

S5165, T1028 = Evaluation

Unit of Service: Per Occurrence

Licensing Entity: NJ Department of Law and Public Safety, Division of Consumer Affairs

Accredited by:

Regulation Cites: NJAC 5:23-2, NJSA 56:8-136 et seq.

Taxonomy Code:

Respite (Daily and Hourly) (Eligible for MFP 25%)

Services provided to participants unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of an unpaid, informal caregiver (those persons who normally provide unpaid care) for the participant. In the case where a person is in the personal preference program or is self-directing services, respite may be used to provide relief for the temporary absence of the primary paid care giver. Federal financial participation is not claimed for the cost of room and board except when provided as part of respite care furnished in a facility approved by the state that is not a private residence.

Service Limitations:

Respite is limited to up to 30 days per participant per calendar year. If respite is provided in a nursing home, room and board charges are included in the Institutional Respite rate. Respite will not be reimbursed for individuals who reside permanently in a Community Residential Service setting (CRS), an Assisted Living Residence or Comprehensive Personal Care Home or for individuals that are admitted to the Nursing Facility. Respite care must not be reimbursed as a separate service during the hours the participant is participating in either Adult Day Health Services or Social Adult Day Care. Services excluded from additional billing while simultaneously receiving Respite care include: Chore, Home-Based Supportive Care, Home-delivered Meals, and Personal Care Assistant services. Sitter, live-in, or companion services are not considered Respite Services and cannot be authorized as such. Respite services are not provided for formal, paid caregivers (i.e. Home Health or Certified Nurse Aides). Respite services are not to be authorized due to the absence of those persons who would normally provide paid care for the participant. Eight or more hours of respite in one 24-hour period, provided by the same provider is the DAILY respite service.

Provider Specifications:

Respite care may be provided in the following location(s):

- Individual's home or place of residence
- Medicaid certified Nursing Facility that has a separate Medicaid provider number to bill for Respite
- Another community care residence that is not a private residence including: an Assisted Living Residence (AL), a Comprehensive Personal Care Home (CPCH), or an Adult Family Care (AFC) Home
- Community Residential Services as licensed under N.J.A.C 10:44C for those individuals with a TBI diagnosis.

MLTSS HIPAA COMPLIANT CODE:

T1005 = In home respite per 15 minutes

S5151 = Institutional respite, per diem (Assisted Living)

REV 0663 is to be used for Daily Respite Care in a NF (per diem)

Unit of service: 15 minutes, per diem

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Social Adult Day Care (Eligible for MFP 25%)

Social Adult Day Care (SADC) is a community-based group program designed to meet the non-medical needs of adults with functional impairments through an individualized plan of care. SADC is a structured comprehensive program that provides a variety of health, social and related support services in a protective setting during any part of a day but less than 24-hour care. Individuals who participate in SADC attend on a planned basis during specified hours. SADC assists its participants to remain in the community, enabling families and other caregivers to continue caring at home for a family member with impairment. SADC services must be provided for at least five consecutive hours daily, exclusive of any transportation time, up to five days a week.

Service Limitations:

Per the identified need as included in the individual's plan of care.

SADC services must be provided for at least five consecutive hours daily, exclusive of any transportation time, up to five days a week.

SADC is not available to those residing in an Assisted Living Facility as it would duplicate services required by the Assisted Living Licensing Regulations.

SADC cannot be combined with Adult Day Health Services.

The individual has no specific medical diagnosis requiring the oversight of an RN while in attendance at the SADC.

Assisted Living Program (ALP) participants, not ALR or CPCH participants may attend SADC 2 (two) days a week; (3) three days with prior authorization.

Adult Family Care (AFC) participants may attend SADC two (2) days per week.

Provider Specifications:

- Facility that (a) has a license or occupancy permit available, (b) has police and fire department response agreements, and (c) has written safety and emergency management policies and procedures.
- Personnel: (a) Program director designated, (b) has adequate staff to meet program needs of target population, and (c) and at a minimum, has identified a nurse consultant.
- Client population: Established criteria for target population based on resources and program capabilities of facility.
- Program activities: Planned and ongoing age appropriate activities based on social, physical, and cognitive needs of the target population.
- Individualized Plans of Care: Based on identified individual client needs, jointly developed with client and family.
- Social Services: Coordination with, and referrals to, available community agencies and services. Staff has periodic contact with families.

- Nutrition: Provides a minimum of one nutritionally balanced meal per day. Special diet needs are met. Snacks provided as necessary.
- Health Management: (a) An initial health profile is completed. (b) Monthly weights are taken and other health related observations are recorded as necessary.
- Personal Care: Personal assistance as needed with mobility and activities of daily living.
- Possesses business authority to conduct such business in New Jersey and is in compliance with all applicable laws, codes, and regulations, including physical plant requirements, fire safety and ADA compliance.

MLTSS HIPAA COMPLIANT Code:

S5102_U3 (per Diem)

Unit of service = Per Diem

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Speech, Language and Hearing Therapy (Group and Individual) (Eligible for MFP 25%)

MLTSS Speech, Language and Hearing Therapy Services are intended to incrementally (minimal unpredictable changes over longer lengths of time) develop or improve skills, or prevent the loss of previously achieved/attained progress which is at risk of being lost as a result of a traumatic or acquired, non-degenerative brain injury (TBI/ABI). MLTSS Speech, Language and Hearing Therapy is also intended to allow a member to acquire new skills that will allow them to function optimally in their current or future least restrictive environment.

MLTSS Speech, Language and Hearing Therapy Services may be considered medically necessary when all of the following conditions are met:

1. The therapy is for a condition that requires the unique knowledge, skills, and judgment of a Speech Therapist (ST) for education and training that is part of a clinician's skilled plan of treatment; and
2. There is an expectation that the therapy will incrementally (minimal unpredictable changes over longer lengths of time) improve and/or prevent the loss of previously achieved/attained progress; and
3. An individual would either not be expected to develop the function or would be expected to permanently lose the function without the MLTSS Speech, Language and Hearing Therapy Service (not merely fluctuate); and
4. The MLTSS Speech, Language and Hearing Therapy Service on-going clinical documentation objectively continues to verify that, at a minimum, functional status is preserved while continued pursuit of incremental progress toward further development; and
5. The services are delivered by a qualified provider of speech therapy services who has experience in delivery of therapy services to individuals with TBI.

Clinical assessment by the ST must be used to objectively determine and verify that, at a minimum, functional status is preserved while continued incremental (minimal unpredictable changes over longer lengths of time) progress towards further development is pursued. This will be utilized to establish member's need of MLTSS Speech, Language and Hearing Therapy Services.

Service Limitations:

- Third party liability must, if available, be used first and to the fullest extent possible prior to accessing MLTSS Speech, Language and Hearing Therapy Services.
- Per Medical Necessity as defined in the contract.
- The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who is assessed to be in need of speech, language and hearing therapy and who transitions to MLTSS.
- The ratio for group sessions may not be larger than ONE therapist to FIVE members.
- The MCO will determine the number of authorized therapy units that will be included in a member's plan of care.
- If a clinical evaluation of the member demonstrates that the member has the potential to achieve significant improvement in restoration of, or compensation for loss of function in a reasonable and generally predictable period of time, or, the member would benefit from the establishment of a maintenance program, rehabilitation/maintenance programs are available

through other payor sources (i.e. Medicare, Medicaid State Plan or other third party liability such as commercial health insurance) and not a covered MLTSS service.

- If skilled therapy services by a qualified therapist are needed to instruct the patient or appropriate caregiver regarding the **maintenance program**, such instruction is covered by other payor sources (i.e., Medicare, Medicaid State Plan or other third party liability such as commercial health insurance).
- Periodic evaluations of the member's condition and response to treatment may be covered via the Medicare, Medicaid State Plan or other third party liability benefit when medically necessary, as identified by a qualified professional.
- A member may receive individual and group sessions of the same therapy in the same day; e.g., a morning session of individual therapy and an afternoon session of group therapy.
- A member may receive different therapies on the same day of service; e.g., morning session of individual ST, morning session of OT, and an afternoon session of CRT.
- A member must be evaluated by a licensed therapist at least annually or upon change in condition to determine whether the beneficiary has the need for skilled therapy service delivery and/or qualifies for rehabilitation or habilitation services. Documentation supporting this evaluation must be maintained in MCO and provider clinical records.
- MLTSS Speech, Language and Hearing Therapy services require the clinical skills of a licensed speech therapist or speech therapy assistant (or their students, in accordance with state ST licensing guidelines), for the duration of service delivery.

Provider Specifications:

- A rehabilitation hospital per NJAC 8:43 – 1.1 et. seq. and NJAC 10:54-5
- Community Residential Services (CRS) provider per NJAC 10:44c
- Licensed, certified home health agency per NJAC 8:42 and certified by the center for Medicare and Medicaid Services
- Post-acute non-residential rehabilitative services provider agency
- MLTSS Speech, Language and Hearing Therapy services require the clinical skills of a licensed speech therapist or speech therapy assistant (or their students, in accordance with sstate ST licensing guidelines), for the duration of service delivery.

MLTSS CPT CODE:

Individual = 92507_SZ_59 (per diem);

Group = 92508_SZ_59 (per diem)

NOTE: For Free Standing Clinic or ANY therapy service provided out of the home; EXISTING Codes must be used. The modifier of SZ must be used to signify the MLTSS benefit is being used.

When a member is receiving multiple therapy sessions on the same day of service, the provider must use the modifier "59" in addition to the SZ modifier when submitting the claim for payment. This will permit the claim to be processed and not be subject to the NCCI conflict edits. If the member is only receiving one (a SINGLE) therapy session on a given date, the provider will NOT use the modifier "59".

Unit of Service: per diem

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Structured Day Program (Eligible for MFP 25%)

A program of productive supervised activities, directed at the development and maintenance of independent and community living skills. Services will be provided in a setting separate from the home in which the participant lives. Services may include group or individualized life skills training that will prepare the participant for community reintegration, including but not limited to attention skills, task completion, problem solving, money management, and safety. This service will include nutritional supervision, health monitoring, and recreation as appropriate to the individualized care plan.

Service Limitations:

The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who is transitioning to MLTSS. The Structured Day Program will not cover services paid for by other agencies. The Structured Day Program excludes medical day care.

Provider Specifications:

- Post-acute, non-residential rehabilitation services provider agency
- Comprehensive Outpatient Rehabilitation Facility; Post-acute Day Program
- Community Residential Services (CRS) provider
- Rehabilitation Hospital (outpatient)

MLTSS HIPAA COMPLIANT CODE:

S5100 (15 minutes)

Unit of Service = 15 minutes

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Supported Day Services (Eligible for MFP 25%)

A program of individual activities directed at the development of productive activity patterns, requiring initial and periodic oversight, at least monthly.

The supported day service is intended to be a home and community based service, not provided in an outpatient setting or within a Community Residential Service Day Program, although it may be provided by staff that work in either of these settings. The service supports a person's plan of care in a community setting, like volunteering, shopping, recreation, building social supports, etc. The activity is provided one to one, as opposed to a group home outing or group services provided in a structured program. Individuals tend to be either higher functioning and able to eventually do the activities they are being supported in independently, or lesser functioning, capable of such activities in the community with increased support.

Activities that support this service include but are not limited to: therapeutic recreation, volunteer activities, household management, shopping for food, household goods, clothing, etc., negotiating various components of activities in the community, building social supports in the community, etc.

Service Limitations:

The individual must have a diagnosis of acquired, non-degenerative, or traumatic brain injury or formerly a TBI waiver participant who is transitioning to MLTSS.

Supported Day Services are provided as an alternative to Structure Day Program when the participant does not require continual supervision. Services are not to be provided in a setting where the setting itself is already paid to supervise the participant. Limits in service must be delineated by assessment of the person receiving the service, as directed by the Master's level Rehabilitation professional. The amount, frequency, and duration of this service are determined by the recommendation made by the qualified professional. The care manager develops the plan of care, taking the professional's recommendations into account when developing the total service package necessary to maintain the participant in the home/community environment.

Provider Specifications:

A professional holding at least a Master's degree in a rehabilitation related discipline (including but not limited to; Psychology, Social Work, PT, OT, SLP, Nursing, CRC, etc.) to sustain the program. This service may be provided by rehabilitation staff at the paraprofessional level (minimum of 48 college credits) or higher, and the program and service providers will receive ongoing supervision from a licensed or certified professional at a minimum, in addition to the clinical oversight provided by the aforementioned Master's level rehabilitation professional. Registered nurses (NJSA 45:11-26) and licensed clinical social workers (NJSA 45:1-15) may provide this service when employed by an approved provider agency such as a mental health agency or family service agency. Licensed, clinical social worker may provide this service if under the supervision of a psychologist.

MLTSS HIPAA COMPLIANT CODE: T2021

Unit of Service = 15 minutes

Licensing Entity:

Accredited by:

Regulation Cites: NJSA 45:11-26, NJSA 45:1-15

Taxonomy Code:

Vehicle Modifications (Eligible for MFP 25%)

The service includes needed vehicle modification (such as electronic monitoring systems to enhance beneficiary safety, mechanical lifts to make access possible) to a participant or family vehicle as defined in an approved plan of care. Modifications must be needed to ensure the health, welfare and safety of a participant or which enable the individual to function more independently in the home or community. All services must be provided in accordance with applicable state motor vehicle codes.

Service Limitations:

The vehicle must be owned by the participant or their authorized representative. The vehicle must be registered in NJ.

Excluded are those adaptations/modifications to the vehicle which are of general utility, and are not of direct medical or remedial benefit to the participant. Maintenance of the normal vehicle systems is not permitted as a part of this service; neither is the purchase of a vehicle.

Provider Specifications:

MLTSS HIPAA COMPLIANT CODE:

T2039; T2039_U7 (Eval)

Unit of Service: Per Occurrence

Licensing Entity:

Accredited by:

Regulation Cites:

Taxonomy Code:

Attachment E
New Jersey FamilyCare 1115 Demonstration
Severe Emotional Disturbance Service Definitions

Placeholder for Severe Emotional Disturbance
Service Definitions

Attachment F
New Jersey FamilyCare 1115 Demonstration
Historical Context

On September 14, 2011, the State of New Jersey submitted a Medicaid section 1115 demonstration proposal titled the New Jersey Comprehensive Waiver (NJCW) seeking to provide comprehensive health care benefits for approximately 1.3 million individuals, including individuals eligible for benefits under New Jersey's Medicaid Program and additional populations eligible only under the demonstration.

The NJCW demonstration consolidated the delivery of services under a number of separate state initiatives, including its Medicaid State plan, existing CHIP State plan, four previous 1915(c) waiver programs and two (2) standalone section 1115 demonstrations. Implementation of the NJCW required approximately 98 percent or 1.3 million beneficiaries to enroll in Managed Care Organizations (MCOs), with approximately 75,000 beneficiaries enrolled in Medicaid fee-for-service (FFS).

Amendments to the Demonstration:

On August 8, 2013, CMS approved amendment request to modify Delivery System and Reform Incentive Payment (DSRIP) program so that that the Hospital Relief Subsidy Fund (HRSF) transition payments could be extended through December 31, 2013 due to unforeseeable delays in completing the DSRIP Planning Protocol and DSRIP Funding & Mechanics protocol. The extension would ease the burden of the hospitals in the development of their DSRIP plans as they transition from the HRSF subsidy to the performance-based DSRIP program.

On December 23, 2013, CMS approved an amendment to modify terms related to the Graduate Medical Education payment program, and to include the adult expansion eligibility group into the demonstration effective January 1, 2014.

On March 27, 2014, CMS approved an amendment to revise state and CMS action deadlines for DSRIP.

On February 5, 2016, CMS approved an amendment to expand eligibility for the Supports Program to individuals who currently do not qualify for the Supports Program, and allow individuals in the Supports Program to access Private Duty Nursing (PDN) Services through the Managed Care Long Term Services and Supports (MLTSS) program.

Attachment G
New Jersey FamilyCare 1115 Demonstration
Behavioral Health Organization (BHO)
Benefit and Payment Table

Services	Payment Methodology/ Responsibility
Ambulatory care	
Assessment and treatment of a BH condition when provided by a BHO authorized provider	FFS/IME/BHO
Assessment and treatment of a BH condition when provided by a MCO authorized provider (i.e., PCP office visit for depression)	MCO
Services utilizing methadone treatment for maintenance, Cyclazocine, or their equivalents	FFS/IMEBHO
24-hour care	
Admission to an acute care hospital, psychiatric facility or other specialty facility when ordered by a BHO authorized provider for the treatment of a BH condition, excluding detoxification	FFS/BHO
Admission by a BHO authorized provider for subacute medically managed detoxification or subacute enhanced detoxification	FFS/BHO
Detoxification in a medical bed for acute withdrawal, seizures, Delirium Tremens or medical instability when ordered by a MCO authorized provider	MCO
Stabilization in a medical bed or in ICU for treatment of eating disorders or following attempted suicide or self-induced trauma poisoning	MCO
Emergency department (ED)	

Services	Payment Methodology/ Responsibility
Facility and professional fees for primary BH diagnoses (codes 291 to 319 except as noted under “Miscellaneous” at the end of this table)	FFS/BHO
Facility charges and professional fees for primary PH diagnosis, including medical stabilization for attempted suicide or self-induced trauma poisoning	MCO
Consults	
BH consult on medical surgical unit, nursing home or assisted living facility, with the exception of individuals in MLTSS who will have their BH services provided by the MCO.	Determinant is treating provider type
Medical/surgical consult on a BH unit	MCO
Prescription Drugs	
Prescription drugs – outpatient cost of drug including atypical antipsychotic drugs and medications for addictions treatment (ie, buprenorphine) except methadone for addiction treatment	MCO
In office administration (i.e., medication assisted therapies, injectable drugs)	Determinant is treating provider type
Methadone maintenance programs	FFS/BHO
Ambulance	
Transport to the hospital when primary diagnosis is medical, including medical stabilization for suicide attempt, and transfers from psychiatric or substance use disorder treatment bed to a medical bed	MCO
Outpatient diagnostic procedures	
When ordered by a BHO network provider (i.e., x-rays, EKG, laboratory work such as therapeutic drug levels, complete drug count (CBC), urinalysis, etc.)	Determinant is treating provider type

Services	Payment Methodology/ Responsibility
When ordered by a MCO network provider (i.e., tests ordered prior to having a patient medically cleared or for the evaluation of medical problems such as CT scans, thyroid studies, EKG, etc.)	MCO
Psychological testing	
Psychological or neuropsychological testing when approved by the BHO	FFS/BHO
Neuropsychological testing when ordered by a MCO authorized provider as part of a comprehensive neurological evaluation or treatment program	MCO
Miscellaneous	
Any BH service delivered through an FQHC	Determinant is treating provider type
Electroconvulsive therapy, including anesthesiology services	FFS/BHO
Assessment and treatment of chronic pain	Determinant is treating provider type
TBI – out patient psycho-therapy, psychiatric consultation	Determinant is treating provider type
TBI – medical or medical rehabilitation programs	MCO
Treatment for caffeine related disorders	MCO
Treatment for nicotine related disorders (including smoking cessation programs)	Determinant is treating provider type

Services	Payment Methodology/ Responsibility
Treatment for disorders which are primarily neurologically or organically based, including delirium, dementia, amnesia and other cognitive disorders	MCO
Treatment for Korsakoff's disease/Wernicke's	MCO
Treatment for fetal alcohol syndrome or other symptoms exhibited by newborns whose mothers abused drugs	MCO
Treatment for primary sleep disorders	Excluded

Attachment H
New Jersey FamilyCare 1115 Demonstration
DSRIP Planning Protocol

Placeholder for DSRIP Planning Protocol

Attachment I
New Jersey FamilyCare 1115 Demonstration
DSRIP Funding and Mechanics Protocol

Placeholder for DSRIP Funding and Mechanics Protocol

Attachment J
New Jersey FamilyCare 1115 Demonstration
Hospitals Eligible for DSRIP Payments

Provider ID	Hospital Name
4139402	AtlantiCare Regional Medical Center
0167011	CarePoint Health - Bayonne Medical Center
4139003	Bergen Regional Medical Center
4135709	Cape Regional Medical Center
4138201	Capital Health Medical Center - Hopewell
3676609	Capital Health Regional Medical Center
0295655	CarePoint Health - Christ Hospital
4141008	CentraState Medical Center
0390330	Chilton Medical Center
4135504	Clara Maass Medical Center
3674606	Community Medical Center
4136004	Cooper Hospital/University MC
0502588	East Orange General Hospital
4138309	Englewood Hospital and Medical Center
0354945	Hackensack UMC - Mountainside
3674100	Hackensack University Medical Center
0267431	CarePoint Health - Hoboken University Medical Center
3675602	Inspira Medical Center - Elmer
3674509	Inspira Medical Center - Vineland
3676102	Inspira Medical Center - Woodbury
4139801	Jersey City Medical Center
3675700	Jersey Shore University Medical Center
3676803	JFK Medical Center/A M Yelencsics
4140206	Kennedy Health System
3675203	Lourdes Medical Center of Burlington Cty.
3675807	Monmouth Medical Center
0469351	Monmouth Medical Center - Southern
4136101	Morristown Medical Center
4135008	Newark Beth Israel Medical Center
0257109	Newton Medical Center
4137108	Our Lady of Lourdes Medical Center
3674801	Overlook Medical Center
4135105	Hackensack UMC - Palisades
4137701	Robert Wood Johnson University Hospital
4137809	Raritan Bay Medical Center

3676901	RWJ University Hospital - Hamilton
3675904	St. Barnabas Medical Center
0482897	St. Clare's Denville / Dover
4136608	St. Francis Medical Center
4136403	St. Joseph's Medical Center
0282871	St. Luke's Warren Hospital
0432491	St. Mary's General Hospital
0508110	St. Michael's Medical Center
4139500	St. Peter's University Hospital
4136900	Trinitas Regional Medical Center
0358240	University Hospital
4135601	University MC of Princeton - Plainsboro
4138902	Virtua-Mem. Hospital of Burlington County
3674304	Virtua - West Jersey Health

Attachment J
New Jersey's FamilyCare Comprehensive 1115 Demonstration
Evaluation of the Demonstration

- 1. Independent Evaluator.** Upon approval of the demonstration, the state must begin arrange with an independent party to conduct an evaluation of the demonstration to ensure that the necessary data is collected at the level of detail needed to research the approved hypotheses. The independent party must sign an agreement to conduct the demonstration evaluation in an independent manner in accord with the CMS-approved, draft Evaluation Design. When conducting analyses and developing the evaluation reports, every effort should be made to follow the approved methodology. However, the state may request, and CMS may agree to, changes in the methodology in appropriate circumstances.
- 2. Evaluation Budget.** A budget for the evaluation shall be provided with the draft Evaluation Design. It will include the total estimated cost, as well as a breakdown of estimated staff, administrative and other costs for all aspects of the evaluation such as any survey and measurement development, quantitative and qualitative data collection and cleaning, analyses and report generation. A justification of the costs may be required by CMS if the estimates provided do not appear to sufficiently cover the costs of the design or if CMS finds that the design is not sufficiently developed, or if the estimates appear to be excessive.
- 3. Draft Evaluation Design.** The draft Evaluation Design must be developed in accordance with attachment L (Developing the Evaluation Design) of these STCs. The state must submit, for CMS comment and approval, a draft Evaluation Design with implementation timeline, no later than one hundred twenty (120) days after the effective date of these STCs. Any modifications to an existing approved Evaluation Design will not affect previously established requirements and timelines for report submission for the demonstration, if applicable. The state may choose to use the expertise of the independent party in the development of the draft Evaluation Design.
- 4. Evaluation Design Approval and Updates.** The state must submit a revised draft Evaluation Design within sixty (60) days after receipt of CMS' comments. Upon CMS approval of the draft Evaluation Design, the document will be included as an attachment to these STCs. Per 42 CFR 431.424(c), the state will publish the approved Evaluation Design within thirty (30) days of CMS approval. The state must implement the evaluation design and submit a description of its evaluation implementation progress in each of the Monitoring Reports, including any required Rapid Cycle Assessments specified in these SCTs.
- 5. Evaluation Questions and Hypotheses.** Consistent with attachments K and L (Preparing the Evaluation Report and Developing the Evaluation Design) of these STCs, the evaluation documents must include a discussion of the evaluation questions and hypotheses that the state intends to test. Each demonstration component should have at least one evaluation question and hypothesis. The hypothesis testing should include,

where possible, assessment of both process and outcome measures. Proposed measures should be selected from nationally-recognized sources and national measures sets, where possible. Measures sets could include CMS's Core Set of Health Care Quality Measures for Children in Medicaid and CHIP, Consumer Assessment of Health Care Providers and Systems (CAHPS), the Initial Core Set of Health Care Quality Measures for Medicaid-Eligible Adults and/or measures endorsed by National Quality Forum (NQF).

- 6. Interim Evaluation Report.** The state must submit an Interim Evaluation Report for the completed years of the demonstration, and for each subsequent renewal or extension of the demonstration, as outlined in 42 CFR 431.412(c)(2)(vi). When submitting an application for renewal, the Evaluation Report should be posted to the state's website with the application for public comment.

 - A. The interim evaluation report will discuss evaluation progress and present findings to date as per the approved evaluation design.
 - B. For demonstration authority that expires prior to the overall demonstration's expiration date, the Interim Evaluation Report must include an evaluation of the authority as approved by CMS.
 - C. If the state is seeking to renew or extend the demonstration, the draft Interim Evaluation Report is due when the application for renewal is submitted. If the state made changes to the demonstration in its application for renewal, the research questions and hypotheses, and how the design was adapted should be included. If the state is not requesting a renewal for a demonstration, an Interim Evaluation report is due one (1) year prior to the end of the demonstration. For demonstration phase outs prior to the expiration of the approval period, the draft Interim Evaluation Report is due to CMS on the date that will be specified in the notice of termination or suspension.
 - D. The state must submit the final Interim Evaluation Report 60 days after receiving CMS comments on the draft Interim Evaluation Report and post the document to the state's website.
 - E. The Interim Evaluation Report must comply with attachment K (Preparing the Evaluation Report) of these STCs.
- 7. Summative Evaluation Report.** The draft Summative Evaluation Report must be developed in accordance with attachment K (Preparing the Evaluation Report) of these STCs. The state must submit a draft Summative Evaluation Report for the demonstration's current approval period within 18 months of the end of the approval period represented by these STCs. The Summative Evaluation Report must include the information in the approved Evaluation Design.

 - A. Unless otherwise agreed upon in writing by CMS, the state shall submit the final Summative Evaluation Report within 60 days of receiving comments from CMS on the draft.
 - B. The final Summative Evaluation Report must be posted to the state's Medicaid website within 30 days of approval by CMS.
- 8. State Presentations for CMS.** CMS reserves the right to request that the state present and participate in a discussion with CMS on the Evaluation Design, the interim

evaluation, and/or the summative evaluation.

9. Public Access. The state shall post the final documents (e.g., Monitoring Reports, Close Out Report, approved Evaluation Design, Interim Evaluation Report, and Summative Evaluation Report) on the state's Medicaid website within 30 days of approval by CMS.

10. Additional Publications and Presentations. For a period of twenty-four (24) months following CMS approval of the final reports, CMS will be notified prior to presentation of these reports or their findings, including in related publications (including, for example, journal articles), by the state, contractor, or any other third party directly connected to the demonstration. Prior to release of these reports, articles or other publications, CMS will be provided a copy including any associated press materials. CMS will be given thirty (30) days to review and comment on publications before they are released. CMS may choose to decline to comment or review some or all of these notifications and reviews.

Attachment L
New Jersey's FamilyCare Comprehensive 1115 Demonstration
Preparing the Evaluation Report

Introduction

For states that are testing new approaches and flexibilities in their Medicaid programs through section 1115 demonstrations, evaluations are crucial to understand and disseminate what is or is not working and why. The evaluations of new initiatives seek to produce new knowledge and direction for programs and inform Medicaid policy for the future. While a narrative about what happened during a demonstration provide important information, the principal focus of the evaluation of a section 1115 demonstration should be obtaining and analyzing data on the process (e.g., whether the demonstration is being implemented as intended), outcomes (e.g., whether the demonstration is having the intended effects on the target population), and impacts of the demonstration (e.g., whether the outcomes observed in the targeted population differ from outcomes in similar populations not affected by the demonstration). Both state and federal governments could benefit from improved quantitative and qualitative evidence to inform policy decisions.

Expectations for Evaluation Reports

Medicaid section 1115 demonstrations are required to conduct an evaluation that is valid (the extent to which the evaluation measures what it is intended to measure), and reliable (the extent to which the evaluation could produce the same results when used repeatedly). To this end, the already approved Evaluation Design is a map that begins with the demonstration goals, then transitions to the evaluation questions, and to the specific hypotheses, which will be used to investigate whether the demonstration has achieved its goals. States should have a well-structured analysis plan for their evaluation. As these valid analyses multiply (by a single state or by multiple states with similar demonstrations) and the data sources improve, the reliability of evaluation findings will be able to shape Medicaid policy in order to improve the health and welfare of Medicaid beneficiaries for decades to come. When submitting an application for renewal, the interim evaluation report should be posted on the state's website with the application for public comment. Additionally, the interim evaluation report must be included in its entirety with the application submitted to CMS.

Intent of this Attachment

Title XIX of the Social Security Act (the Act) requires an evaluation of every section 1115 demonstration. In order to fulfill this requirement, the state's submission must provide a comprehensive written presentation of all key components of the demonstration, and include all required elements specified in the approved Evaluation Design. This Attachment is intended to assist states with organizing the required information in a standardized format and understanding the criteria that CMS will use in reviewing the submitted Interim and Summative Evaluation Reports.

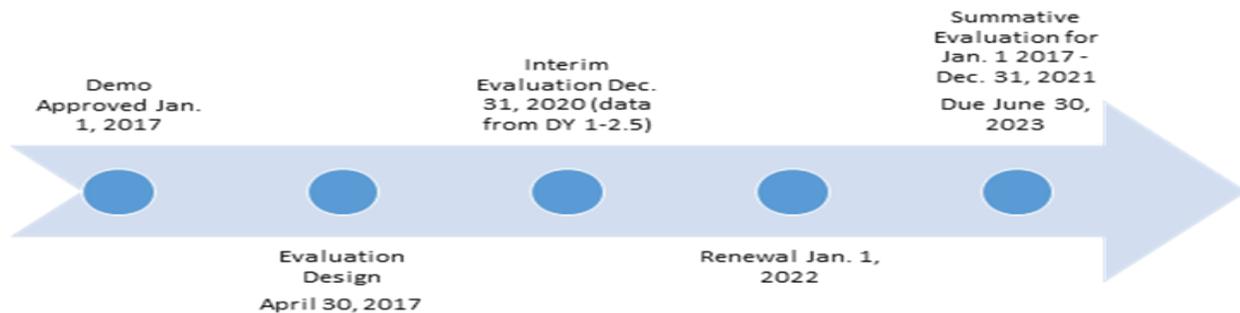
The format for the Interim and Summative Evaluation reports are as follows:

- A. Executive Summary;
- B. General Background Information;
- C. Evaluation Questions and Hypotheses;

- D. Methodology;
- E. Methodological Limitations;
- F. Results;
- G. Conclusions;
- H. Interpretations, and Policy Implications and Interactions with Other State Initiatives;
- I. Lessons Learned and Recommendations; and
- J. Attachment(s).

Submission Timelines

There is a specified timeline for the state’s submission of Evaluation Designs and Evaluation Reports. These dates are specified in the demonstration Special Terms and Conditions (STCs). (The graphic below depicts an example of this timeline). In addition, the state should be aware that section 1115 evaluation documents are public records. In order to assure the dissemination of the evaluation findings, lessons learned, and recommendations, the state is required to publish the evaluation design and reports to the state’s website within 30 days of CMS approval, as per 42 CFR 431.424(d). CMS will also publish a copy to the Medicaid.gov website.



Required Core Components of Interim and Summative Evaluation Reports

The section 1115 Evaluation Report presents the research about the section 1115 Demonstration. It is important that the report incorporate a discussion about the structure of the Evaluation Design to explain the goals and objectives of the demonstration, the hypotheses related to the demonstration, and the methodology for the evaluation. A copy of the state’s Driver Diagram (described in the Evaluation Design Attachment) must be included with an explanation of the depicted information. The Evaluation Report should present the relevant data and an interpretation of the findings; assess the outcomes (what worked and what did not work); explain the limitations of the design, data, and analyses; offer recommendations regarding what (in hindsight) the state would further advance, or do differently, and why; and discuss the implications on future Medicaid policy. Therefore, the state’s submission must include:

- A. **Executive Summary** – A summary of the demonstration, the principal results, interpretations, and recommendations of the evaluation.

B. General Background Information about the Demonstration – In this section, the state should include basic information about the demonstration, such as:

- 1) The issues that the state is trying to address with its section 1115 demonstration and/or expenditure authorities, how the state became aware of the issue, the potential magnitude of the issue, and why the state selected this course of action to address the issues.
- 2) The name of the demonstration, approval date of the demonstration, and period of time covered by the evaluation;
- 3) A brief description of the demonstration and history of the implementation, and if the evaluation is for an amendment, extension, renewal, or expansion of, the demonstration;
- 4) For renewals, amendments, and major operational changes: A description of any changes to the demonstration during the approval period; whether the motivation for change was due to political, economic, and fiscal factors at the state and/or federal level; whether the programmatic changes were implemented to improve beneficiary health, provider/health plan performance, or administrative efficiency; and how the Evaluation Design was altered or augmented to address these changes.
- 5) Describe the population groups impacted by the demonstration.

C. Evaluation Questions and Hypotheses – In this section, the state should:

- 1) Describe how the state's demonstration goals were translated into quantifiable targets for improvement, so that the performance of the demonstration in achieving these targets could be measured. The inclusion of a Driver Diagram in the Evaluation Report is highly encouraged, as the visual can aid readers in understanding the rationale behind the demonstration features and intended outcomes.
- 2) Identify the state's hypotheses about the outcomes of the demonstration;
 - a. Discuss how the goals of the demonstration align with the evaluation questions and hypotheses;
 - b. Explain how this Evaluation Report builds upon and expands earlier demonstration evaluation findings (if applicable); and
 - c. Address how the research questions / hypotheses of this demonstration promote the objectives of Titles XIX and XXI.

D. Methodology – In this section, the state is to provide an overview of the research that was conducted to evaluate the section 1115 demonstration consistent with the approved Evaluation Design. The evaluation Design should also be included as an attachment to the report. The focus is on showing that the evaluation builds upon other published research (use references), and meets the prevailing standards of scientific and academic rigor, and the results are statistically valid and reliable.

An interim report should provide any available data to date, including both quantitative and qualitative assessments. The Evaluation Design should assure there is appropriate data development and collection in a timely manner to support developing an interim evaluation.

This section provides the evidence that the demonstration evaluation used the best available data and describes why potential alternative data sources were not used; reported on, controlled for, and made appropriate adjustments for the limitations of the data and their effects on results; and discusses the generalizability of results. This section should provide enough transparency to explain what was measured and how. Specifically, this section establishes that the approved Evaluation Design was followed by describing:

- 1) *Evaluation Design*—Will the evaluation be an assessment of: pre/post, post-only, with or without comparison groups, etc?
- 2) *Target and Comparison Populations*—Describe the target and comparison populations; include inclusion and exclusion criteria.
- 3) *Evaluation Period*—Describe the time periods for which data will be collected
- 4) *Evaluation Measures*—What measures are used to evaluate the demonstration, and who are the measure stewards?
- 5) *Data Sources*—Explain where the data will be obtained, and efforts to validate and clean the data.
- 6) *Analytic methods*—Identify specific statistical testing which will be undertaken for each measure (t-tests, chi-square, odds ratio, ANOVA, regression, etc.).
- 7) *Other Additions* – The state may provide any other information pertinent to the evaluation of the demonstration.

E. Methodological Limitations

This section provides sufficient information for discerning the strengths and weaknesses of the study design, data sources/collection, and analyses.

F. Results – In this section, the state presents and uses the quantitative and qualitative data to show to whether and to what degree the evaluation questions and hypotheses of the demonstration were achieved. The findings should visually depict the demonstration results (tables, charts, graphs). This section should include information on the statistical tests conducted.

G. Conclusions – In this section, the state will present the conclusions about the evaluation results.

- 1) In general, did the results show that the demonstration was/was not effective in achieving the goals and objectives established at the beginning of the demonstration?
- 2) Based on the findings, discuss the outcomes and impacts of the demonstration and identify the opportunities for improvements. Specifically:
 - a. If the state did not fully achieve its intended goals, why not? What could be done in the future that would better enable such an effort to more fully achieve those purposes, aims, objectives, and goals?

H. Interpretations, Policy Implications and Interactions with Other State Initiatives –

In this section, the state will discuss the section 1115 demonstration within an overall Medicaid context and long range planning. This should include interrelations of the demonstration with other aspects of the state's Medicaid program, interactions with other

Medicaid demonstrations, and other federal awards affecting service delivery, health outcomes and the cost of care under Medicaid. This section provides the state with an opportunity to provide interpretation of the data using evaluative reasoning to make judgments about the demonstration. This section should also include a discussion of the implications of the findings at both the state and national levels.

- I. Lessons Learned and Recommendations** – This section of the Evaluation Report involves the transfer of knowledge. Specifically, the “opportunities” for future or revised demonstrations to inform Medicaid policymakers, advocates, and stakeholders is just as significant as identifying current successful strategies. Based on the evaluation results:
- 1) What lessons were learned as a result of the demonstration?
 - 2) What would you recommend to other states which may be interested in implementing a similar approach?
- J. Attachment**
- 1) Evaluation Design: Provide the CMS-approved Evaluation Design

Attachment M
New Jersey FamilyCare 1115 Demonstration
Evaluation Design

Placeholder for the Evaluation Design