



MEDICAID COVERAGE OF ABA AND OTHER THERAPIES FOR CHILDREN

- The Oklahoma Health Care Authority (OHCA), Oklahoma’s Medicaid agency, is required to provide coverage for ABA therapy to all Medicaid eligible children under age 21, when determined to be medically necessary.
- In July 2014, The Center for Medicare and Medicaid Services (CMS) issued the attached memo to all state Medicaid agencies, including OHCA. The memo makes it clear that services for children with Autism are subject to the same longstanding requirements for all children under the age of 21.
 - All Medicaid eligible children under age 21 are covered by the Early Periodic Screening, Diagnosis and Treatment (EPSDT) benefit, states are required to arrange for and cover for individuals eligible for the EPSDT benefit any Medicaid coverable service listed in section 1905(a) of the Act that is determined to be medically necessary to correct or ameliorate any physical or behavioral conditions.
 - If a service, supply or equipment that has been determined to be medically necessary for a child is not listed as covered (for adults) in a state’s Medicaid State Plan, the state will nonetheless need to arrange for and cover it for the child.
 - The Letter also states that EPSDT services for children with Autism (such as ABA services) may be covered under several different benefit categories including ‘services of other licensed practitioners,’ 42 U.S.C. §1396d (a) (6); ‘preventive services,’ 42 U.S.C. §1396d (a) (13); ‘therapy services,’ 42 U.S.C. §1396d (a) (10). The Letter provides a detailed discussion of each category.
- This issue has been litigated in several other states dating back as far as at least 2008. The Courts have consistently held:
 - ABA can be a medically necessary treatment for Autism
 - ABA is a covered service under EPSDT
 - Medicaid agencies must provide coverage of ABA when medically necessary
 - *Parents League for Effective Autism Services, ET. al. v. Jones-Kelly*, 339 F. Appx. 542 (6th Cir. 2009)
 - *KG v. Dudek*, 864 F. Supp.2d 1314 (S.D. Fl. 2012), aff’d in part, vacated in part and remanded, 731 F.3d 1152 (11th Cir. 2013). On Rehearing, 981 F. Supp. 2d 1275 (S.D. Fl. 2013).

If you would like additional information, please contact
Joy Turner - 405-409-5759 or RoseAnn Duplan - 405-409-5781