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**Date:** September 22, 2022

**To:** Coordinated care organizations

**From:** David Inbody, CCO Operations Director  
Medicaid Unit

**Subject:** Early and Periodic Screening, Diagnostic & Treatment (EPSDT) benefit expansion

The Oregon Health Authority (OHA) will not seek renewal of its long-standing waiver regarding the Early and Periodic Screening, Diagnostic & Treatment (EPSDT) benefit for children and adolescents in its 1115(a) Medicaid waiver renewal application for 2022-2027 with the Centers for Medicare and Medicaid Services (CMS). This communication provides information about OHA's decision not to renew the EPSDT waiver and the steps OHA is taking to prepare the fee-for-service program and coordinated care organizations (CCOs) for compliance with all EPSDT benefit requirements.

The EPSDT benefit provides comprehensive and preventive health care services for children under age 21 who are enrolled in the Oregon Health Plan (OHP). States are required to provide comprehensive services and furnish all Medicaid coverable, appropriate, and medically necessary services needed to correct and ameliorate health conditions, based on [certain federal regulations](#).

Oregon's [2017-2022 waiver](#) allows the state to "restrict coverage of treatment services identified during an EPSDT screening for individuals above age 1 to the extent that such services are not consistent with a prioritized list of conditions and treatments." Through the public comment process and community dialogue during the 1115(a) Medicaid waiver renewal process in 2021-2022, OHA received clear feedback from the community, including advocates, children's service organizations and other interested parties that the current waiver regarding EPSDT does not meet the needs of OHP members. After careful consideration of community feedback and a comprehensive internal review, OHA decided not to seek renewal of the waiver regarding EPSDT. **At CMS' direction, Oregon must meet all EPSDT benefit requirements for children and adolescents beginning January 1, 2023.**

In preparation for this transition, OHA is taking several steps to ensure Medicaid-eligible children, adolescents and their families are aware of the EPSDT benefit and have access to required screenings and medically necessary treatments. These steps include but are not limited to:

- The [Health Evidence Review Commission \(HERC\)](#) is completing a comprehensive review of services not currently covered according to the [Prioritized List of Health Services](#) with attention to the unique needs of children and adolescents.
  - Any treatment in the funded portion of the [Prioritized List of Health Services](#) is covered by the Oregon Health Plan for all OHP-eligible individuals.
  - For services remaining unfunded ("below the line"):

- EPSDT requires that medical necessity be determined on a case-by-case basis for children and youth under 21.
  - Utilization controls can still be used. However:
    - Established limits on services must be considered tentative;
    - Prior Authorization and final denial decisions must be based on case-by-case review of medical necessity and medical appropriateness, taking into account an individual child’s needs;
    - The reason for a final denial cannot be solely based on the service is unfunded or below the line; and
    - Full or partial denial decisions require a Notice of Adverse Benefit Determination and may be appealed.
- OHA is developing clear guidance and communications for providers and families to ensure they are aware of the change in benefits, including the right to an individual determination of medical necessity.
  - OHA has launched [an EPSDT webpage](#) with resources and information for CCOs, providers, OHP members, and the public.
  - “[Decision draft](#)” of the 2023 CCO contract reflects EPSDT requirements
  - CCO Model Member Handbook (available [here](#)) and OHP Member Handbook for 2023 have been updated with EPSDT information
  - An EPSDT guidance document for CCOs is in development. This document will be provided in **draft** form at or prior to the CCO Contracts & Compliance Workgroup meeting on September 27, 2022.
    - CCOs will have the opportunity to review the draft guidance document, discuss with EPSDT staff at the September 27<sup>th</sup> workgroup meeting, and provide feedback prior to public posting of the document. Feedback will be due by October 24<sup>th</sup> and should be submitted to [EPSDT.Info@odhsoha.oregon.gov](mailto:EPSDT.Info@odhsoha.oregon.gov).
    - The final guidance document will be posted on [OHA’s EPSDT webpage](#) and CCOs will be notified when it is available.
    - Oregon’s EPSDT guidance documents are living documents and will be regularly updated as areas for improvement are identified. Please submit any ongoing recommendations to [EPSDT.Info@odhsoha.oregon.gov](mailto:EPSDT.Info@odhsoha.oregon.gov)

- An EPSDT memo for providers is also in development. This will be disseminated through the Provider Matters listserv when available.
- Oregon Administrative Rules and State Plan Amendment regarding EPSDT will be updated in 2023.

### Why is this happening?

Non-renewal of the waiver regarding EPSDT ensures access to all medically necessary and medically appropriate treatment services for OHP members under age 21.

### What should you do?

Review the draft EPSDT guidance document. It will be emailed to your CCO's contract administrator and to the CCO Contracts & Compliance Workgroup distribution list. Discussion of this document will occur in the CCO Contracts & Compliance Workgroup meeting on September 27, 2022.

- Provide any questions or feedback on the draft guidance document to [EPSDT.Info@odhsoha.oregon.gov](mailto:EPSDT.Info@odhsoha.oregon.gov) by October 24, 2022.
  - CCOs will be notified when the final guidance document is posted; it will also be emailed to each CCO's contract administrator.

Ensure your CCO is in compliance with the contract requirements by January 1, 2023.

Review [OHA's EPSDT webpage](#) for additional information.

### Helpful resources

- [Oregon Administrative Rule 410-130-0245](#) – Early and Periodic Screening, Diagnostic and Treatment Program
- Code of Federal Regulations [42 CFR § 441 Subpart B](#) – Early and Periodic Screening, Diagnostic and Treatment (EPSDT) of Individuals Under Age 21
- [Medicaid.gov](http://Medicaid.gov)
- [Health Resources & Service Administration - Maternal & Child Health Bureau](#)
- [Medicaid and CHIP Payment and Access Commission](#)
- [Bright Futures – American Academy of Pediatrics](#)

### Questions?

If you have any questions, please contact [EPSDT.Info@odhsoha.oregon.gov](mailto:EPSDT.Info@odhsoha.oregon.gov)

Thank you for your continued support of the Oregon Health Plan and the services you provide to our members.