

October 2, 2020

Kim Bimestefer, Executive Director  
Colorado Department of Health Care Policy and Financing  
1570 Grant Street  
Denver, CO 80203

Tracy Johnson, Medicaid Director  
Colorado Department of Health Care Policy and Financing  
1570 Grant Street  
Denver, CO 80203

Dear Director Bimestefer and Director Johnson,

On behalf of the undersigned organizations, dedicated to improving the health, education and well-being of Colorado's students, we are writing regarding the inclusion of Colorado Department of Education (CDE) licensed school psychologists in the Colorado Medicaid School Health Services (SHS) Program.

Healthy children are better able to learn. School psychologists, along with other specialized personnel, are **critical** to implementing comprehensive school-based behavioral health services and supports for Colorado's children, which help them to thrive at school, at home, and throughout their lives. Research shows that school psychologists improve both student and school outcomes, enhance conditions for learning, and create safe and supportive school climates.

Even before the COVID-19 pandemic spread across the country and Colorado, many of our students were facing mental and behavioral health crises. In 2019, more than one third of high school students reported that they felt sad or hopeless almost every day for two weeks (a hallmark symptom of clinical depression) according to results from the Healthy Kids Colorado Survey. The rate of teen suicide in Colorado has reached historically high levels in recent years: in 2018, there were 18.3 suicides per 100,000 teens ages 15 to 19, representing 69 young people who tragically took their own lives. While death by suicide tends to be less common among younger teens, the suicide rate for 10- to 14-year-olds in our state has also risen significantly in the last decade, more than doubling since 2010.

School psychologists and other school behavioral health professionals provide a spectrum of services to support students. School health teams including nurses, psychologists, social workers, and counselors, work together to effectively deliver comprehensive health services to students in school, including mental and behavioral health supports. These professionals coordinate and

deliver universal services to support students' social-emotional development and mental health, as well as targeted services to those students who need additional interventions.

Colorado has demonstrated a significant need for more school mental health professionals. In 2019, only a third of elementary, middle, and high school administrators reported that they had a school psychologist present at their school for 1-10 hours per week (which is far below the recommended threshold), according to Smart Source survey data. In the 2018-2019 school year, Colorado needed almost 1.5 times more school psychologists, and more than 4 times as many school social workers, in order to meet nationally recommended ratios. In 2017, the School Health Professional Grant Program (designed to provide funds to eligible education providers to enhance the presence of school health, including mental health professionals in schools) funded 42 districts across the state. Yet 24 eligible districts went unfunded solely due to financial and administrative capacity limitations; this funding would have supported almost 100 additional schools, including many rural ones.

Under the School Health Services (SHS) Program in Colorado, participating school districts, Boards of Cooperative Educational Services (BOCES), and K-12 educational institutions can be reimbursed for a variety of eligible services provided, by qualified health service providers, to students who are Medicaid enrolled. This allows for Medicaid to support more broad and comprehensive school-based prevention and wellness services to children and youth; and provides an additional financial resource for already underfunded schools.

The National Association of School Psychologists reports that 35 states and the District of Columbia consider school psychologists to be qualified providers of Medicaid, meaning schools can seek reimbursement for certain services they provide. Colorado has not been one of these states.

A study commissioned by the Department of Health Care Policy and Financing in 2018 indicated that at least \$4 million in additional federal funds, which could be used to support crucial health and mental health services in schools, could be drawn down through Medicaid if additional health service providers, including school psychologists who meet the Colorado state regulations as defined in C.R.S. 22-60.5-210, were included as qualified Medicaid providers.

Stakeholders advocated for the inclusion of school psychologists in Colorado's Medicaid School Health Services State Plan Amendment (SPA), and a new SPA was submitted to the Centers for Medicare & Medicaid Services (CMS) in response to this advocacy. The intended outcome was that school psychologists would be considered qualified providers in the SHS Program.

In response to CMS approval of the new SPA, the Department added language to the SHS Program Manual relating to school psychologists, but the criteria *do not* reflect the education or certification requirements to practice as a school psychologist in Colorado, and include only a small subset of psychologists working in schools – with very few (if any) in Colorado's rural districts, thus creating inequity across the state. This does not reflect the understanding or

intention of the school districts and stakeholders that supported submitting a new SPA to CMS; nor is it a significant step forward in building the capacity of schools to support children's behavioral health. If school psychologists are appropriately included as eligible providers, this will draw down more dollars. **Colorado is missing out on federal funding.**

In Colorado's State Plan under Title XIX of the Social Security Act, Medical Assistance Program, Attachment 3.1 A: 13(d), covered services include "other diagnostic, screening, preventative and rehabilitative services i.e. other than those provided elsewhere in the plan" with rehabilitative services specifically identified as provided with no limitations. Rehabilitative services in Colorado are defined as "any medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, *within the scope of his or her practice under state law* (emphasis is ours), for maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level." School psychologists in Colorado act within their scope of practice as defined by state law in CO Rev Stat § 22-60.5-210 therefore meet the criteria in the U.S. Code of Federal Regulations § 440.60.

The state of Michigan, with guidance and approval from CMS, established that through the rehabilitation provisions of Early and Periodic Screening, Diagnostic, and Treatment (EPSDT), school psychologists are qualified providers of rehabilitative services, and meet the definition of "appropriate professional qualifications." CMS determined that as long as school psychologists provide covered rehabilitative services and meet the appropriate provider qualifications, *they would not need to be called out specifically as providers in the Medicaid State Plan*, but would still be covered professionals providing EPSDT services.

We believe that school psychologists who meet Colorado Department of Education (CDE) special services licensing requirements as defined in the aforementioned statute are qualified Medicaid providers under EPSDT's allowable services and should be included in the SHS Program. This will allow Colorado to draw down additional federal Medicaid funding to support the critical health and mental health services that are needed in our schools, particularly during this time of a pandemic when school districts have been actively assessing where cuts may need to be made, including a possible loss of funds earmarked for existing mental health support systems, and schools are struggling to support the increased mental health needs of students.

We urge the Department to clarify that school psychologists who meet CDE special services licensing requirements are included as qualified Medicaid providers in the SHS Program Manual, and communicate this clarification in writing to participating school districts and stakeholders by November 1, 2020 to allow time for school districts to include eligible providers and provide required training for the following quarter.

We look forward to hearing from you.

Respectfully,

Colorado School Medicaid Consortium (The Consortium)  
Colorado Children's Campaign  
27J Schools  
Adams 12 Five Star Schools  
Adams County School District 14  
Alamosa School District  
Aurora Public Schools (Adams-Arapahoe 28J)  
Boulder Valley School District  
Canon City Schools (Fremont Re-1)  
Cherry Creek Schools  
Children's Hospital Colorado  
Colorado Association for School-Based Health Care  
Colorado Association of School Boards (CASB)  
Colorado Association of School Nurses (CASN)  
Colorado BOCES Association  
Colorado Center on Law and Policy  
Colorado Community Health Network  
Colorado Consumer Health Initiative  
Colorado Dental Association  
Colorado Education Association  
Colorado Rural Schools Alliance  
Colorado Society of School Psychologists  
Consortium of Directors of Special Education  
Delta County School District 50J  
Disability Law Colorado  
Douglas County School District  
Durango School District 9-R  
Englewood Schools (Arapahoe 1)  
Fremont School District Re-2  
Gunnison Watershed School District Re-1J  
Harrison School District 2  
Immunize Colorado  
Jeffco Public Schools

Lewis-Palmer School District 38  
Littleton Public Schools (Arapahoe 6)  
Mapleton Public Schools 1  
Mental Health Colorado  
Mesa County Valley School District 51  
Mile High United Way  
National Black Child Development Institute Denver Affiliate (BCDI-Denver)  
Padres y Jovenes Unidos  
Park County School District (Re-2)  
Pikes Peak BOCES  
Pueblo County School District 70  
Pueblo School District 60  
Rio Blanco BOCES  
Rocky Ford School District  
Sheridan School District 2  
Thompson School District R-2J  
Tri-County Health Department  
Ute Pass BOCES  
Westminster Public Schools  
YAASPA

cc: Shannon Huska, HCPF Financing Unit Manager  
Gina Robinson, HCPF EPSDT Program Administrator  
Sarah Blumenthal, CDE Assistant Director of the Office of Health and Wellness