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Index: Medical Therapy Program

TO: All County California Children's Services (CCS) Program Administrators, Medical Directors/Consultants, Chief/Supervising/Lead Therapists, Medical Therapy Units, County CCS Program Therapy Consultants, and Department of Health Care Services Staff

SUBJECT: Duplication of and/or Conflict with the Provision of Medically Necessary Therapy Services Provided in the CCS Medical Therapy Program

I. PURPOSE

The purpose of this numbered letter (NL) is to clarify and update the definition of "duplication of services" and clarify when services are in conflict with the provision of medically necessary therapy services in the Medical Therapy Program (MTP). The NL provides guidance to address duplication of and/or conflict with medically necessary therapy services. This guidance is in alignment with the principles governing the practice of occupational therapy and physical therapy per the American Occupational Therapy Association and American Physical Therapy Association Codes of Ethics.

II. BACKGROUND

The MTP provides, Occupational Therapy (OT), Physical Therapy (PT) and Medical Therapy Conference (MTC) services for clients from birth up to 21 years of age with CCS-MTP eligible medical conditions. These services are typically provided at Medical Therapy Units (MTU). MTUs are pediatric outpatient rehabilitation centers that are located on designated public-school sites.

The purpose of MTP medically necessary OT and PT services is to achieve or prevent further loss of functional skills, reducing the incidence and severity of physical disability related to the client's MTP eligible condition. This includes therapeutic interventions aimed at the following:

- A. Functional mobility and/or self-care skills; or
- B. Prevention of loss of these skills;
- C. Reducing the incidence and severity of secondary disabling impairments related to the MTP eligible condition(s); and

D. Supporting the family to acquire skills to care for their child through the use of instruction and training.

The therapist develops the MTP OT and PT Medical Therapy Plans in partnership with the client and their family/caregivers. The plans serve as the written outline for medically necessary OT or PT services based on appropriate therapy evaluations with goals made in collaboration with the client, parent, or legal guardian as appropriate.

The MTC is the MTP-coordinated periodic clinical team meeting, including client, client's caretakers, OT, PT, specialty physician, and ancillary staff. The MTC reviews the client's therapy progress, goals, and recommendations for additional medical specialty referrals and/or Durable Medical Equipment (DME). The conference may also include, with consent of the parent/legal guardian, a representative from the client's education agency when the client has an Individual Education Plan (IEP).

Not all clients receive their medical direction through the MTC:

- Some clients receive medical management through Special Care Centers or private CCS paneled physicians.
- Concerns regarding duplication of services and/or services that are in conflict with the CCS-Approved Therapy Plan(s) may first be addressed with the client's managing physician when possible.
- If further action is required, the matter will be addressed at the MTC.
- The MTC physician is responsible for dispute resolution and oversight of the prescriptions from private physicians. The Reference Guide for the MTC may be reviewed for further information.¹

The CCS medical therapy plan is the guiding document for therapy service provision.

Duplication of services occurs when:

- A. A MTP eligible child receives medically necessary PT and/or OT services from either the MTP or a vendor providing "in lieu of" CCS authorized therapy services; and
- B. The same MTP eligible child receives comparable services from another therapist of the same or different discipline, at a different location, with goals

¹ Reference Guide for Medical Therapy Conference:
<https://www.dhcs.ca.gov/services/ccs/Documents/2002-MTC-Reference-Guide.pdf>

aiming to produce the same functional outcome as those in the CCS-Approved Therapy Plan.

Conflict with CCS-Approved Therapy Plan services occurs when:

- A. A MTP-eligible client is receiving an alternative intervention program developed by another therapist who is either CCS paneled or non-paneled, or an alternative provider (such as a teacher or chiropractor), that is in opposition to the CCS-Approved Therapy Plan.

Duplication of and conflict with CCS-Approved Therapy Plan services can occur simultaneously. Once the possibility of duplication of and/or conflict with the CCS-Approved Therapy Plan is identified, the concerns must be reviewed and resolved.

The identification of a potential duplication may occur at any point in the client's MTP care from initial evaluation, during ongoing treatment, or at re-evaluation. Further investigation into the presence of duplication should not be delayed until the next evaluation.

MTU/ MTP services will be reviewed for potential duplication. If an individual is eligible for the MTP, then MTP services will be provided through the MTP. If an MTU is not available in the county of residence or, the MTU in the county of residence is unable to provide the services, "in lieu of MTU" services may be authorized. Follow the current Vendored Therapy in Lieu of MTU NL posted on the DHCS website.

When a treatment that is not a benefit of the MTP is requested, Medi-Cal for Kids and Teens, formerly known as Early and Periodic Screening, Diagnostic, and Treatment, may assess and allow access to medically necessary service via another avenue such as a Medi-Cal Managed Care Health Plan rather than through the MTP.

III. POLICY

When the MTP is made aware that a child is receiving OT/PT outside of the MTU, to avoid duplication or conflict of therapy services, the MTP's OT and/or PT will consult and collaborate with non-MTP therapists or alternative provider who are providing therapy services with the client's or legal representative's permission. The client, parent, or legal guardian will be included in this collaboration.

- A. Therapy providers or a provider delivering an alternative intervention program may provide services concurrently for a MTP eligible client. The conditions under which concurrent services *may* be provided are:
 - 1. The therapy services or alternative intervention program services have been identified through the client's Individualized Family Service Plan (IFSP), IEP,

- 504 Plan, or through private resources, and do not duplicate or conflict with the CCS-Approved Therapy Plan. Educationally necessary therapy goals that the client's IEP team developed and provided by a school-based therapist which are complementary to the medically necessary therapy goals outlined on the CCS-Approved Therapy Plan, do not constitute a duplication of services.
2. A client requires the expertise of more than one therapist, and/or access to modalities and/or equipment necessary to treat their CCS MTP eligible condition(s). Each therapist has different goals and objectives that, when combined, are necessary to complete the CCS-Approved Therapy Plan.
 3. The alternative provider has an intervention program with goals and services that do not duplicate the goals and services outlined on the CCS-Approved Therapy Plan. Examples of services include hippotherapy, massage, acupuncture, music therapy, hydrotherapy, adaptive swimming, fitness, and strength training.
- B. The conditions under which provision of concurrent services is considered a duplication or conflict:
1. Duplication of services with the CCS-Approved Therapy Plan occurs when there are concurrent services for a client served by the MTP and each therapist of the same or different discipline has comparable therapy goals stated on the therapy plan for services which results in over-utilization of services.
 2. Concurrent services for a client served by the MTP are in conflict with the CCS-Approved Therapy Plan when the treatment plan of the non-MTP therapist or alternative provider negates or contradicts the CCS-Approved Therapy Plan and may harm the client and/or allow loss of function.

IV. POLICY IMPLEMENTATION

- A. When instances of duplication of or conflict with services with a CCS-Approved Therapy Plan are identified, the MTU therapist(s) will notify county MTP leadership.
- B. The county MTP leadership will determine whether there is a duplication of service or a conflict with the CCS-Approved Therapy Plan. If duplication and/or conflict likely exists, county MTP leadership will complete the following:
 1. Meet with the client, parent, or legal guardian to discuss the services in question in an attempt to resolve the concern(s).

- a. If the concerns are not resolved at the meeting, the client, parent or legal guardian will be offered an appointment with the MTC physician for review of all therapy plans, prescriptions, and services, including recommended/prescribed Durable Medical Equipment-Rehabilitation (DME-R) or orthotics/prosthetics, and/or the alternative intervention program services that the client is receiving.
 - b. The notification of the MTC appointment must state the purpose of the appointment, and that the conference may result in a change in the medically necessary OT and/or PT services provided by the MTP.
 - (1) County MTP leadership will notify the Local Education Agency (LEA) of this MTC appointment, with client, parent, or legal guardian's consent, if a client has an IEP or IFSP.
2. During the MTC appointment, if the client, parent, or legal guardian do attend:

The MTC physician will address duplication of services during the earliest MTC visit. The MTC physician will examine the client, review the alternate therapy services plan and/or the documentation of alternative intervention program services being provided or recommended for the client. The review will include available documentation that describes the therapy services provided by the non-MTP therapist, including any recommended or prescribed DME-R, orthotics/prosthetics, and/or the intervention program provided by an alternative provider. The MTC physician will:

- a. Determine whether a duplication of services is present and/or if the plan conflicts with the current CCS-Approved MTP Therapy Plan.
 - b. Determine whether the duplication of services and/or conflict can be resolved; and
 - c. Notify client, parent, or legal guardian of the decision regarding the duplication of services and/or conflict with the CCS-Approved Therapy Plan at the time of the conference; to be followed by notification in writing.
3. If the client, parent, or legal guardian do not attend the MTC appointment:

The MTC physician will review the therapy services and/or the alternative intervention program services being provided or recommended for the client. The review will include available documentation that describes the therapy services provided by another therapist, including any recommended/prescribed DME-R or orthotics/prosthetics, and/or the intervention program provided by an alternative provider. The MTC physician will:

- a. Determine whether a duplication of service or conflict with a CCS-Approved Therapy Plan exists;
 - b. Determine whether the duplication of services and/or conflict can be resolved;
 - c. Notify client, parent, or legal guardian of the decision, in writing, regarding the duplication of services and/or conflict with the CCS-Approved Therapy Plan at the time of the conference; and
 - d. On receipt of the determination letter, client, family, or caregiver can request to meet with the MTC team to discuss.
4. In counties that do not have MTCs or those counties that have infrequently scheduled MTCs, the county's CCS medical director or medical consultant can assume the role of reviewing the duplication of services that are being provided or recommended for the client.

The CCS medical director or CCS medical consultant will review therapy services documentation provided by the non-MTP therapist, including any recommended/prescribed DME-R or orthotics/prosthetics, and/or the intervention program provided by an alternative provider. The CCS medical director or CCS medical consultant will:

- a. Determine whether a duplication of services or conflict with a CCS-Approved Therapy Plan exists;
 - b. Determine whether the duplication of services and/or conflict can be resolved; and
 - c. Notify client, parent, or legal guardian of the decision, in writing, regarding the possible duplication of services and/or conflict with the CCS-Approved Therapy Plan.
5. If neither duplication nor conflict is identified, the County CCS MTP will notify the client, parent, or legal guardian in writing, that provision of the CCS-Approved Therapy Plan services will continue.
6. If either duplication, conflict, or both is/are identified, the County CCS MTP will notify the client, parent, or legal guardian in writing and request that the client, parent, or legal guardian respond within ten (10) business days.
- a. If a termination or reduction in non-MTP Medi-Cal based services takes place as a result of this process, it is the responsibility of the entity

reducing or terminating the services to provide the client, parent, or legal guardian with their appeals rights.

- b. If the client, parent, or legal guardian is in agreement with the decision of the MTC physician, the MTP therapy staff will proceed with the provision of the CCS-Approved Therapy Plan services. Other services will terminate.
- c. If the client, parent, or legal guardian is not in agreement with the decision of the MTC physician, the MTC team will follow the guidance in the MTC Reference Guide and notify the LEA as defined through the Interagency Regulations if the client, parent, or legal guardian has a current release of information on file.
- d. The MTP will not provide therapy services that have been identified as duplication with other therapy services until the concern is resolved.
- e. If there is a disagreement as to therapy frequency or otherwise, follow the current Expert Physician and Dispute Resolution NL posted on the DHCS website.

Please contact MTPCentral@dhcs.ca.gov for any questions about this policy.

Sincerely,

ORIGINAL SIGNED BY

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Department of Health Care Services