

**IMPORTANT:** Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut  
**REGULATION**  
of

---

NAME OF AGENCY

Department of Social Services

---

**Concerning**

---

SUBJECT MATTER OF REGULATION

Requirements for Payment of State-Funded Chiropractic Services for Adults

---

**Section 1.** The Regulations of Connecticut State Agencies are amended by adding new sections 17b-xxx-1 to 17b-xxx-6, inclusive, as follows:

**(NEW) Sec. 17b-xxx-1. Scope**

As authorized by section 17 of public act 12-1 of the June 12 special session, sections 17b-xxx-1 to 17b-xxx-6, inclusive, of the Regulations of Connecticut State Agencies, set forth the Department of Social Services requirements for a state-funded program to provide services by chiropractors in independent practice to clients age twenty-one and over who are determined eligible to receive services under Connecticut's Medicaid Program pursuant to sections 17b-261, 17b-261n and 17b-277 of the Connecticut General Statutes.

**(NEW) Sec. 17b-xxx-2. Applicability of Medicaid Chiropractor Regulations**

Sections 17b-262-536 to 17b-262-545, inclusive, of the Regulations of Connecticut State Agencies shall apply to services provided pursuant to sections 17b-xxx-1 to 17b-xxx-6, inclusive, of the Regulations of Connecticut State Agencies, except as superseded therein.

**(NEW) Sec. 17b-xxx-3. Definitions**

- (1) "Advanced practice registered nurse" means an individual licensed pursuant to section 20-94a of the Connecticut General Statutes;
- (2) "Licensed practitioner" means a physician, advanced practice registered nurse or physician assistant who is enrolled as a Medical Assistance Program provider with a valid provider agreement on file with the department;
- (3) "Medical necessity" or "medically necessary" has the same meaning as provided in section 17b-259b of the Connecticut General Statutes;
- (4) "Physician" means an individual licensed pursuant to section 20-13 of the Connecticut General Statutes; and

**Note:** Draft Regulation – Posted for Public Comment on October 23, 2012. Pursuant to section 17 of public act 12-1 of the June 12 special session, effective November 1, 2012, DSS is implementing the program using draft regulations pending final adoption of the regulations.

- (5) “Physician assistant” has the same meaning as provided in section 20-12a(5) of the Connecticut General Statutes.

**(NEW) Sec. 17b-xxx-4. Eligibility**

The department shall pay for medically necessary chiropractic services by providers who are independent practitioners only for clients age twenty-one and over who:

- (a) Have a pain-related diagnosis of the spine or neck that requires medically necessary chiropractic intervention, as documented in a written order by a licensed practitioner that describes the specific diagnosis and the recommended type, length and frequency of chiropractic services;
- (b) participate in developing a comprehensive plan of care with a licensed practitioner and comply with the plan’s recommendations, including, but not limited to participating in the department’s currently available pain management services, as required by the department; and
- (c) are not eligible for Medicare.

**(NEW) Sec. 17b-xxx-5. Services Covered and Limitations**

- (a) Subject to available appropriations and section 17 of public act 12-1 of the June 12 special session, the department shall pay only for those services listed on the department’s Medicaid fee schedule for independent chiropractors.
- (b) The department shall not pay for radiologic procedures prescribed or performed by a chiropractor or for any other procedure not listed in the fee schedule for chiropractic services.
- (c) The department may set written limits on the number, frequency and duration of chiropractic services, which the department shall post on its website or by other means accessible to providers and shall notify providers before establishing or amending such limits.
- (d) State-funded chiropractic services for adults provided pursuant to sections 17b-xxx-1 to 17b-xxx-6, inclusive, of the Regulations of Connecticut State Agencies, are not an entitlement and are contingent on the availability of funds. In addition to the actions specifically authorized by this section, the department may take any other action necessary to ensure that expenditures do not exceed the amount of funds available.

**(NEW) Sec. 17b-xxx-6. Prior Authorization and Review**

- (a) Prior authorization is required for all independent chiropractic services provided to clients age twenty-one and over. The provider shall attach a physical or electronic copy, as determined by the department, of a written order from a licensed practitioner that complies with section 17b-xxx-4 of the Regulations of Connecticut State Agencies to each prior authorization request.

- (b) The department shall deny all prior authorization requests received after previously approved prior authorization requests have exhausted available appropriations or the funding limits in section 17 of public act 12-1 of the June 12 special session.
- (c) If the department denies a request for independent chiropractic services for a client age twenty-one and over for any reason other than exhaustion of available appropriations, the client may request a review of the denial. The client shall request the review in writing not later than fifteen days after receiving the notice of denial, together with any supporting documents. The department shall issue a written decision not later than thirty days after receiving the request for review. There shall be no further right to review the department's decisions concerning independent chiropractic services for clients age twenty-one and over.

## **Statement of Purpose**

*Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.*

The purpose of the regulation is to set forth the Department of Social Services requirements for a state-funded program to provide services by chiropractors in independent practice to clients age twenty-one and over who are determined eligible to receive services under Connecticut's Medicaid Program.

**(A) The problems, issues or circumstances that the regulation proposes to address:** Section 17 of public act 12-1 of the June 12 special session, effective October 1, 2012, authorized the Department to expend up to \$250,000 annually to provide independent chiropractic services to Medicaid clients age twenty-one and over. The proposed regulations establish the rules for the program authorized by that statute to enable adult clients with certain pain diagnoses to receive chiropractic services, within available appropriations.

These regulations are necessary because, pursuant to section 104 of public act 02-7 of the May 9 special session, effective January 1, 2003, the department discontinued Medicaid coverage for services provided by independent chiropractors to clients age twenty-one and over. Accordingly, the state Medicaid regulations for chiropractors, sections 17b-262-535 to 17b-262-545, inclusive, of the Regulations of Connecticut State Agencies, currently do not apply to clients age twenty-one and over. Because section 17 of public act 12-1 of the June 12 special session limits the appropriation for chiropractic services to adult Medicaid clients, these regulations establish rules to enable the department to provide this state-funded coverage in compliance with the statute.

**(B) The main provisions of the regulation:** (1) Provide that the provisions of the state Medicaid chiropractor regulations, sections 17b-262-535 to 17b-262-545, inclusive, of the Regulations of Connecticut State Agencies, apply to services provided pursuant to sections 17b-xxx-1 to 17b-xxx-6, inclusive, of the Regulations of Connecticut State Agencies, except as superseded therein; (2) set forth client eligibility requirements for this program; (3) describe the services covered and limitations; and (4) establish prior authorization rules to ensure that only eligible clients receive services and that available appropriations are not exceeded, with a procedure for clients to seek a review of a denial of a request for chiropractic services.

**(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws:** Establish rules for a state-funded program to provide independent chiropractic services to clients age twenty-one and over, within available appropriations.

### CERTIFICATION

*This certification statement must be completed in full, including items 3 and 4, if they are applicable.*

- 1) I hereby certify that the above (check one)  Regulations  Emergency Regulations
- 2) are (check all that apply)  adopted  amended  repealed **by this agency pursuant to the following authority(ies):** (complete all that apply)
  - a. Connecticut General Statutes section(s) 17b-3.
  - b. Public Act Number(s) Public Act 12-1 of the June 12<sup>th</sup> Special Session (Section 17).  
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) **And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the Connecticut Law Journal on October 23, 2012;**  
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) **And that a public hearing regarding the proposed regulations was held on n/a;**  
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) **And that said regulations are EFFECTIVE** (check one, and complete as applicable)
  - When filed with the Secretary of the State
  - OR  on (insert date) \_\_\_\_\_

DATE TBD	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
-------------	--	---------------------------------

**APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended**

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
------	---	---------------------------------

*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

*(For Regulation Review Committee Use ONLY)*

- Approved  Rejected without prejudice
- Approved with technical corrections  Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
---	------	---

**Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.**

DATE	SIGNED (Secretary of the State)	BY
------	---------------------------------	----

*(For Secretary of the State Use ONLY)*

**GENERAL INSTRUCTIONS**

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets [ ]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at [http://www.cga.ct.gov/lco/pdfs/Regulations\\_Drafting\\_Manual.pdf](http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf).

**CERTIFICATION STATEMENT INSTRUCTIONS**

*(Numbers below correspond to the numbered sections of the statement)*

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
  - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
  - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.