

EXHIBIT I

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES

SUBJECT: Therapy 1-12

DESCRIPTION: Effective January 1, 2013, the Occupational, Physical, Speech Therapy Services Manual will be updated to include the language-speech test Structured Photographic Expressive Language Test (SPELT-3) in Section 214.410 part A of the provider manual.

PUBLIC COMMENT: No public hearing was held. The public comment period expired on October 13, 2012. No public comments were submitted to the agency. The proposed effective date is January 1, 2013.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 20-76-201 authorizes the Department of Human Services to administer programs for the indigent and to "make rules and regulations" pertaining to the administration of those programs. Arkansas Code § 20-77-107 specifically authorizes the department to "establish and maintain an indigent medical care program."

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Department of Human Services
DIVISION Division of Medical Services
DIVISION DIRECTOR Andrew Allison PhD
CONTACT PERSON Lisa Smith
ADDRESS P.O Box 1437, Slot S295, Little Rock, AR 72203
PHONE NO. 682-8363 **FAX NO.** 682-2480 **E-MAIL** lisa.smith@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Marilyn Strickland
PRESENTER E-MAIL marilyn.strickland@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule?

Therapy-1-12

2. What is the subject of the proposed rule?

To add the Structured Photographic Expressive Language Test, SPELT-3, to the list of accepted tests for the Speech-Language Therapy program.

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ___ No X.
If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes ___ No X.

If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ___ No ___.

5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Statute 20-76-201

7. What is the purpose of this proposed rule? Why is it necessary?

The purpose of the proposed rule is to add the Structured Photographic Expressive Language Test SPELT-3 to the list of accepted tests used by speech language pathologists.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://www.medicaid.state.ar.us/InternetSolution/general/comment/comment.aspx>

9. Will a public hearing be held on this proposed rule? Yes No .
If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 13, 2012

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013

12. Do you expect this rule to be controversial? Yes No If yes, please explain.

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

Medical associations, interested providers, and advocacy organizations. Their positions for or against is not known at this time.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services

DIVISION Division of Medical Services

PERSON COMPLETING THIS STATEMENT Tom Show

TELEPHONE NO. 682-2483 **FAX NO.** 682-2480 **EMAIL:** tom.show@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE – Therapy-1-12

1. Does this proposed, amended, or repealed rule have a financial impact?

Yes _____ No X

2. Does this proposed, amended, or repealed rule affect small businesses?

Yes _____ No X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

Next Fiscal Year

NONE

NONE

Summary for
Therapy-1-12

Effective January 1, 2013, the Occupational, Physical, Speech Therapy Services Manual will be updated to include the language-speech test Structured Photographic Expressive Language Test (SPELT-3) in Section 214.410 part A of the provider manual.



Division of Medical Services
Program Development & Quality Assurance

P.O. Box 1437, Slot S-295 Little Rock, AR 72203-1437
501-682-8368 Fax: 501-682-2480



TO: Arkansas Medicaid Health Care Providers - Occupational, Physical,
Speech Therapy Services

DATE: January 1, 2013

SUBJECT: Provider Manual Update Transmittal THERAPY-1-12

PROPOSED

REMOVE

Section
214.410

Date
11-1-10

INSERT

Section
214.410

Date
1-1-13

Explanation of Updates

Section 214.410 is updated to add the Structured Photographic Expressive Language Test (SPELT-3) to the list of accepted tests for Speech-Language Therapy.

The paper version of this update transmittal includes revised pages that may be filed in your provider manual. See Section I for instructions on updating the paper version of the manual. For electronic versions, these changes have already been incorporated.

If you have questions regarding this transmittal, please contact the HP Enterprise Services Provider Assistance Center at 1-800-457-4454 (Toll-Free) within Arkansas or locally and Out-of-State at (501) 376-2211.

If you need this material in an alternative format, such as large print, please contact our Americans with Disabilities Act Coordinator at 501-682-6453 (Local); 1-800-482-5850, extension 2-6453 (Toll-Free) or to obtain access to these numbers through voice relay, 1-800-877-8973 (TTY Hearing Impaired).

Arkansas Medicaid provider manuals (including update transmittals), official notices, notices of rule making and remittance advice (RA) messages are available for downloading from the Arkansas Medicaid website: www.medicaid.state.ar.us

Thank you for your participation in the Arkansas Medicaid Program.

Signature of Andrew Allison, PhD
Director

TOC not required

PROPOSED**214.410 Accepted Tests for Speech-Language Therapy**

1-1-13

Tests used must be norm-referenced, standardized, age appropriate and specific to the disorder being assessed. The following list of tests is not all-inclusive. When using a test that is not listed below, the provider must include an explanation and justification in the evaluation report to support the use of the chosen test. The *Mental Measurement Yearbook (MMY)* is the standard reference to determine the reliability and validity of the test(s) administered in the evaluation. Providers should refer to the *MMY* for additional information regarding specific tests. These definitions are applied to the following lists of accepted tests:

- **STANDARDIZED:** Tests that are used to determine the presence or absence of deficits; any diagnostic tool or procedure that has a standardized administration and scoring process and compares results to an appropriate normative sample.
- **SUPPLEMENTAL:** Tests and tools that are used to further document deficits and support standardized results; any non-diagnostic tool that is a screening, a criterion-referenced measure, descriptive in design, a structured probe or an accepted clinical analysis procedure (see next paragraph). Supplemental tests may not replace standardized tests. Exception: A tool(s) from a supplemental list may be used to guide data collection for the purpose of generating an in-depth, functional profile. See Section 214.400, part D, paragraph 8.
- **CLINICAL ANALYSIS PROCEDURES:** Specific analysis methods used for in-depth examination of clinical data obtained during assessment and used to further document deficits and support standardized results. Clinical analysis procedures may not replace standardized tests. Exception: Procedures from this list may be used to analyze data collected and assist in generating an in-depth, functional profile. (See Section 214.400, part D, paragraph 8.)
- **CLINICAL OBSERVATIONS:** Clinical observations have a supplemental role in the evaluation process and should always be included. They are especially important when standard scores do not accurately reflect a child's deficits in order to qualify the child for therapy. A detailed narrative or description of the child's communication behaviors (in-depth, functional profile) may constitute the primary justification of medical necessity.
- **STANDARDIZED SCORING KEY:**

Mild: Scores between 84-78; -1.0 standard deviation

Moderate: Scores between 77-71; -1.5 standard deviations

Severe: Scores between 70-64; -2.0 standard deviations

Profound: Scores of 63 or lower; -2.0+ standard deviations

- A. Language Tests — Standardized (Newer editions of currently listed tests are also acceptable.)

Test	Abbreviation
Assessment of Language-Related Functional Activities	ALFA
Assessment of Literacy and Language	ALL
Behavior Rating Inventory of Executive Function	BRIEF
Behavioural Assess of the Dysexecutive Syndrome for Children	BADS-C
Brief Test of Head Injury	BTHI

Test	Abbreviation
Children's Communication Checklist [Diagnostic for pragmatics]	CCC
Clinical Evaluation of Language Fundamentals — Preschool	CELF-P
Clinical Evaluation of Language Fundamentals, Fourth Edition	CELF-4
Clinical Evaluation of Language Fundamentals, Third Edition	CELF-3
Communication Abilities Diagnostic Test	CADeT
Communication Activities of Daily Living, Second Edition	CADL-2
Comprehensive Assessment of Spoken Language	CASL
Comprehensive Receptive and Expressive Vocabulary Test, Second Edition	CREVT-2
Comprehensive Test of Phonological Processing	CTOPP
Diagnostic Evaluation of Language Variation — Norm-Referenced	DELV-NR
Emerging Literacy and Language Assessment	ELLA
Expressive Language Test	ELT
Expressive One-Word Picture Vocabulary Test, 2000 Edition	EOWPVT
Fullerton Language Test for Adolescents, Second Edition	FLTA
Goldman-Fristoe-Woodcock Test of Auditory Discrimination	GFWTAD
HELP Test-Elementary	HELP
Illinois Test of Psycholinguistic Abilities, Third Edition	ITPA-3
Language Processing Test — Revised	LPT-R
Language Processing Test, Third Edition	LPT-3
Listening Comprehension Test Adolescent	LCT-A
Listening Comprehension Test, Second Edition	LCT-2
Montgomery Assessment of Vocabulary Acquisition	MAVA
Mullen Scales of Early Learning	MSEL
NOTE: Although the MSEL is an accepted standardized test, it is felt by the Therapy Advisory Council (TAC) that an additional test should be administered.	
Oral and Written Language Scales	OWLS
Peabody Picture Vocabulary Test, Fourth Edition	PPVT-4
Peabody Picture Vocabulary Test, Third Edition	PPVT-3
Phonological Awareness Test	PAT
Preschool Language Scale, Fourth Edition	PLS-4
Preschool Language Scale, Third Edition	PLS-3
Receptive One-Word Picture Vocabulary Test, Second Edition	ROWPVT-2
Receptive-Expressive Emergent Language Test, Second Edition	REEL-2
Receptive-Expressive Emergent Language Test, Third Edition	REEL-3
Ross Information Processing Assessment — Primary	RIPA-P

PROPOSED

Test	Abbreviation
Ross Information Processing Assessment, Second Edition	RIPA-2
Scales of Cognitive Ability for Traumatic Brain Injury	SCATBI
Social Competence and Behavior Evaluation, Preschool Edition	SCBE
Social Language Development Test—Elementary	CLDT-E
Social Responsiveness Scale	SRS
Social Skills Rating System — Preschool & Elementary Level	SSRS-PE
Social Skills Rating System — Secondary Level	SSRS-S
Strong Narrative Assessment Procedure	SNAP
Structured Photographic Expressive Language Test	SPELT-3
Test of Adolescent and Adult Language, Third Edition	TOAL-3
Test of Adolescent /Adult Word Finding	TAWF
Test for Auditory Comprehension of Language, Third Edition	TACL-3
Test of Auditory Perceptual Skills — Revised	TAPS-R
Test of Auditory Perceptual Skills, Third Edition	TAPS-3
Test of Auditory Reasoning and Processing Skills	TARPS
Test of Early Language Development, Third Edition	TELD-3
Test of Language Competence — Expanded Edition	TLC-E
Test of Language Development — Intermediate, Third Edition	TOLD-I:3
Test of Language Development — Primary, Third Edition	TOLD-P:3
Test of Narrative Language	TNL
Test of Phonological Awareness	TOPA
Test of Pragmatic Language	TOPL
Test of Pragmatic Language, Second Edition	TOPL-2
Test of Problem Solving — Adolescent	TOPS-A
Test of Problem Solving — Revised Elementary	TOPS-R
Test of Reading Comprehension, Third Edition	TORC-2
Test of Semantic Skills: Intermediate	TOSS-I
Test of Semantic Skills: Primary	TOSS-P
Test of Word Finding, Second Edition	TWF-2
Test of Word Knowledge	TOWK
Test of Written Language, Third Edition	TWL-3
The Listening Test	
Wepman's Auditory Discrimination Test, Second Edition	ADT
Word Test — 2 Adolescent	WT2A
Word Test — 2 Elementary	WT2E

PROPOSED

B. Language Tests — Supplemental

Test	Abbreviation
Assessment for Persons Profoundly or Severely Impaired	APPSI
Behavior Analysis Language Instrument	BALI
Birth to Three Checklist	
Clinical Evaluation of Language Fundamentals-4 Screening Test	CELF-4
Children's Communication Checklist [Language Screener]	CCC-2
CID Early Speech Perception	CID-ESP
CID Speech Perception Evaluation	CID-SPICE
CID Teacher Assessment of Grammatical Structures	CID-TAGS
Communication Matrix	
Developmental Sentence Scoring [Lee]	DSS
Differential Screening Test for Processing	DSTP
Evaluating Acquired Skills in Communication — Revised	EASIC-R
Evaluating Acquired Skills in Communication, Third Edition	EASIC-3
Fluharty Preschool Speech and Language Screening Test, Second Edition	Fluharty-2
Functional Communication Profile — Revised	FCP-R
Joliet 3-Minute Preschool Speech and Language Screen	Joliet-P
Joliet 3-Minute Speech and Language Screen — Revised	Joliet-R
Kindergarten Language Screening Test	KLST-2
MacArthur Communicative Development Inventories	CDIs
MacArthur-Bates Communicative Development Inventories	CDIs
Nonspeech Test for Receptive/Expressive Language	Nonspeech
Preschool Language Scale — 4 Screening Test	
Preverbal Assessment-Intervention Profile	PAIP
Reynell Developmental Language Scales	Reynell
Rossetti Infant-Toddler Language Scale	Rossetti
Screening Test of Adolescent Language	STAL
Social Communication Questionnaire	SCQ
Social-Emotional Evaluation	SEE
Test for Auditory Processing Disorders in Children — Revised	SCAN-C
Token Test for Children, Second Edition	TTFC-2

C. Language — Clinical Analysis Procedures — Language sampling and analysis, which may include the following:

PROPOSED

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Mean Length of Utterance		MLU
Type Token Ratio		TTR
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Structural analysis (Brown's stages)		
Semantic analysis		
Discourse analysis		

D. Speech Production Tests — Standardized (Newer editions of currently listed tests are also acceptable.)

Test	Abbreviation
Arizona Articulation Proficiency Scale, Third Edition	Arizona-3
Assessment of Intelligibility of Dysarthric Speech	AIDS
Assessment of Phonological Processes — Revised	APPS-R
Bernthal-Bankson Test of Phonology	BBTOP
Clinical Assessment of Articulation and Phonology	CAAP
Diagnostic Evaluation of Articulation and Phonology, U.S. Edition	DEAP
Goldman-Fristoe Test of Articulation, Second Edition	GFTA-2
Hodson Assessment of Phonological Patterns — Third Edition	HAPP-3
Kaufman Speech Praxis Test	KSPT
Khan-Lewis Phonological Analysis	KLPA-2
Photo Articulation Test, Third Edition	PAT-3
Slosson Articulation Language Test with Phonology	SALT-P
Smit-Hand Articulation and Phonology Evaluation	SHAPE
Structured Photographic Articulation Test II Featuring Dudsberry	SPAT-D II
Stuttering Severity Instrument for Children and Adults	SSI-3
Weiss Comprehensive Articulation Test	WCAT

E. Speech Production Tests — Supplemental

Test	Abbreviation
A-19 Scale for Children Who Stutter	A-19
Apraxia Profile	
Assessment of the Child's Experience of Stuttering	ACES
CALMS Rating Scale for School-Age Children Who Stutter	CALMS
Children's Speech Intelligibility Measure	CSIM
CID Phonetic Inventory	CID-PI

Test	Abbreviation
CID SPeech INtelligibility Evaluation	CID-SPINE
Communication Attitude Test for Preschool and Kindergarten Children Who Stutter	KiddyCAT
Communication Attitude Test — Revised	CAT-R
Computerized Articulation and Phonology Evaluation System	CAPEs
Marshalla Oral Sensorimotor Test	MOST
Modified Erickson Scale of Communication Attitudes	
Procedures for the Phonological Analysis of Children's Language [Ingram]	
Screening Test for Developmental Apraxia of Speech, Second Edition	STDAS-2
Secord Contextual Articulation Tests	S-CAT
Verbal-Motor Production Assessment for Children	VMPAC
Voice Assessment Protocol for Children and Adults	VAP

F. Speech Production — Clinical Analysis Procedures — Speech sampling and analysis, which may include the following:

1. Debra Beckman's oral-motor assessment procedures
2. Food chaining questionnaire
3. Instrumentation-based voice evaluation
4. Item and replica analysis
5. Percentage of consonants correct
6. Percentage of intelligibility
7. Percentage of phonemes correct
8. Percentage of syllables stuttered
9. Perceptual voice evaluation
10. Phonetic inventory
11. Phonological process analysis
12. Suzanne Evans-Morris oral-motor assessment procedures

PROPOSED

TOC not required

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C. Language — Clinical Analysis Procedures — Language sampling and analysis, which may include the following:

Test	Abbreviation
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D. Speech Production Tests — Standardized (Newer editions of currently listed tests are also acceptable.)

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Communication Attitude Test — Revised	CAT-R
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 3. Instrumentation-based voice evaluation
 4. Item and replica analysis
 5. Percentage of consonants correct
 6. Percentage of intelligibility
 7. Percentage of phonemes correct
 8. Percentage of syllables stuttered
 9. Perceptual voice evaluation
 10. Phonetic inventory
 11. Phonological process analysis
 12. Suzanne Evans-Morris oral-motor assessment procedures

