

**Memorandum**

AUG 20 1992

Refer to: FME-42

Date

From

Director
Medicaid Bureau

Subject

Maintenance Services Under EPSDT--INFORMATION

To

Associate Regional Administrators
Division of Medicaid
Regions I-X

An issue was raised at the recent Long Term Care Technical Advisory Group (TAG) meeting held in Baltimore that we want to bring to your attention. A TAG member asked whether we had taken a position on whether "maintenance" services were required under EPSDT. Maintenance services were loosely defined as services which sustain or support rather than those which cure or improve health problems. The Omnibus Budget Reconciliation Act of 1989 (OBRA 89) requires States to provide to EPSDT recipients any service listed in section 1905(a) of the Social Security Act ". . . to correct or ameliorate . . ." health problems detected during screens.

We advised the TAG that this issue had not been raised before and that our initial reaction was that Congress did not intend to exclude maintenance services. After further discussion, we are issuing this memorandum to keep you informed of the direction we are taking with respect to this issue.

We believe that maintenance services are covered by the expanded services required to be provided to EPSDT recipients by the OBRA 89 legislation, to the degree that these services prevent conditions from worsening or prevent the development of additional health problems. We regard this approach as consistent with the preventive thrust of the EPSDT program. If maintenance services are denied, this could potentially allow health problems to deteriorate. As such, Medicaid would then be required to pay for the services to treat the condition which has worsened.

Section 1905(r) of the Social Security Act (the Act) appears to contemplate that States "maintain" an EPSDT recipient's health. Under the statute, States must provide vision, dental and hearing services to EPSDT recipients at intervals that meet reasonable standards of dental and medical practice. The implication of these requirements for periodic services is that a recipient should receive whatever services are necessary to maintain his or her health in the best condition possible. These periodic service requirements are in addition to a separate periodic screening requirement.

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In addition, section 1905(r)(5) requires that States provide EPSDT recipients with all medically necessary health care, treatment, and other measures described in section 1905(a) to correct or ameliorate defects, illnesses or conditions discovered by a screening. The services in section 1905(a) encompass services which may be regarded as "maintenance" services. Also, maintenance services for some EPSDT recipients will be medically necessary services.

As indicated above, we do not believe that the terms "correct or ameliorate" should be read so narrowly as to exclude maintenance services. An individual who receives a maintenance service may be receiving it to correct or compensate for a deficiency, and the service can ameliorate or improve the individual's overall health on an ongoing basis.

For example, an individual may not be able to supply something his or her body needs or may not be able to regulate a bodily function without continual medical assistance. When an individual receives a maintenance service designed to sustain or support his or her health, that service may be continuously, on a daily basis, correcting the defect, health problem or medical condition. In this case, the maintenance service would be regarded as continually improving a recipient's health from what it would be like without the maintenance service.

If you have any questions regarding this information, please contact Cindy Ruff of my staff ~~of~~ 410-966-1292.

ORIGINAL SIGNED BY
CHRISTINE H. NYE
Christine Nye

cc:
Regional Administrators