



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

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Commissioner

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To: Walter Menjivar, Associate General Counsel, Office of the Governor
Matthew Dayton, Undersecretary for Legal Affairs, Office of Policy and Management

From: Deidre S. Gifford, Commissioner, Department of Social Services

A handwritten signature in blue ink that reads "Deidre S. Gifford".

Date: September 6, 2022

Re: **Request for Review – DSS Regulation 21-02 (PR2021-045) – Requirements for Payment of Chiropractic Services – Removing Coverage Exclusion for Initial Visit**

Pursuant to Governor Malloy's Executive Order 37 and the request that agency heads obtain OPM and Governor's Office approval of regulations before initiating the Uniform Administrative Procedures Act process, the Department of Social Services (DSS) requests such approval for the attached regulation to remove the Medicaid coverage exclusion for the initial visit from the chiropractic services regulation.

Regulatory Provisions Affected

This regulation amends section 17b-262-540 of the Regulations of Connecticut State Agencies.

Background and Policy Goals

The proposed regulation promotes clinical best practice by enabling Medicaid payment to chiropractors for performing an initial visit for exam and diagnosis. As required by section 331 of Public Act 21-2 of the June 2021 special session, DSS reinstated Medicaid coverage for chiropractic services effective October 1, 2021. In connection with implementing that restored coverage, chiropractor representatives recommended that the exclusion on coverage for the initial visit be removed from the chiropractic services regulation. Based on that feedback and internal analysis, DSS agrees that exclusion should be removed to promote appropriate chiropractic treatment. Removing this coverage exclusion also helps promote access to chiropractic services as an alternative to medication for treatment of back and neck pain.

Summary of Key Provisions

This regulation removes the prohibition on Medicaid payment to chiropractors for performing an initial visit for exam and diagnosis.

*DSS Regulation 21-02 (PR2021-045) – Requirements for Payment of Chiropractic Services
Request for OPM & OTG Review
August 31, 2022*

Fiscal Impact

As described in the attached fiscal note, DSS estimates that the proposed regulation will increase state share costs (not accounting for federal Medicaid matching funds) by \$24,205 in State Fiscal Year (SFY) 2023, \$27,197 in SFY 2024, and \$28,013 in SFY 2025.

Compliance with Governor Malloy’s Executive Order 37

Gov. Malloy Exec. Order 37, Paragraph 6: This regulation is necessary to enable coverage for the initial chiropractic visit for exam and diagnosis, which helps promote the policy goals of better clinical practice and improved service for Medicaid members. Those benefits of the regulation exceed the projected financial costs, which are modest in the context of the broader Medicaid program.

Gov. Malloy Exec. Order 37, Paragraph 7: Given its narrow scope and limited fiscal impact, this regulation is not a regulation of significant impact as defined in Paragraph 13 of Executive Order 37. Therefore, Paragraph 7 of Executive Order 37 does not apply.

Agency Contact

Please contact Attorney Joel Norwood at joel.norwood@ct.gov or (860) 424-5124 if you have any questions. Thank you for your consideration.

Cc: William Gui Woolston, Director, Division of Health Services, DSS
William Halsey, Deputy Director, Division of Health Services, DSS
Bradley Richards, Chief Medical Officer, Division of Health Services, DSS
Nina Holmes, Division of Health Services, DSS
Matthew Antonetti, Agency Legal Director, DSS
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