**INTRODUCTION**

Coverage Determination Guidelines are a set of objective and evidence-based behavioral health criteria used by Commercial plans that don’t have a provision for medical necessity to standardize coverage determinations, promote evidence-based practices, and support members’ recovery, resiliency, and wellbeing for behavioral health benefit plans that are managed by Optum®.

This guideline provides assistance in interpreting UnitedHealthcare Commercial benefit plans, and is used to make coverage determinations as well as to inform discussions about evidence-based practices and discharge planning for behavioral health benefit plans managed by Optum. When deciding coverage, the member’s specific benefits must be referenced.

All reviewers must first identify member eligibility, the member-specific benefit plan coverage, and any federal or state regulatory requirements that supersede the member’s benefits prior to using this guideline. In the event that the requested service or procedure is limited or excluded from the benefit, is defined differently or there is otherwise a conflict between this guideline and the member’s specific benefit, the member’s specific benefit supersedes this guideline. Other clinical criteria may apply.

Optum reserves the right, in its sole discretion, to modify its clinical criteria as necessary using the process described in Clinical Criteria.

This guideline is provided for informational purposes. It does not constitute medical advice.

Optum may also use tools developed by third parties that are intended to be used in connection with the independent professional medical judgment of a qualified health care provider and do not constitute the practice of medicine or medical advice.

Optum may develop clinical criteria or adopt externally developed clinical criteria that supersede this guideline when required to do so by contract or regulation.

**BENEFIT CONSIDERATIONS**

Before using this policy, please check the member-specific benefit plan document and any federal or state mandates, if applicable.

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1 Optum is a brand used by United Behavioral Health and its affiliates.
**DEFINITIONS**

**Free Appropriate Public Education (FAPE)** Special education and related services that (U.S. Department of Education, 2010):

- Are provided at public expense, under public supervision and direction, and without charge;
- Meet the standards of the State educational agency;
- Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- Are provided in conformity with an individualized education program.

**Individualized Education Program (IEP)** A written statement that documents the special education and related services that are to be provided to a child with a disability (Individuals with Disabilities Education Act [IDEA], 2004).

**Individuals with Disabilities Education Act (IDEA, 2004)** According to the U.S. Department of Education, IDEA is a Federal law ensuring services to children with disabilities. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities. Part B of IDEA pertains to children and adolescents from ages 3-21. Part C of IDEA pertains to children up to the age of 3. The Individuals with Disabilities Education Act is also known as Public Law 108-446.

**Related Services** including transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a Free Appropriate Public Education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children (IDEA, 2004).

**School-Based Services** Special education and related services which enable a child/adolescent to receive a Free Appropriate Public Education.

**Serious Emotional Disturbance** A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance (IDEA, 2018):

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

**COVERAGE RATIONALE**

Tuition for or payment for mental health services that are school-based for children and adolescents under the Individuals with Disabilities Education Act or, otherwise covered under an Individualized Education Plan is excluded.

The Individuals with Disabilities Education Act (IDEA) is a Federal law governing how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities. IDEA ensures that students with disabilities are provided with special education and related services that enable them to receive a Free Appropriate Public Education (IDEA, 2004).

Public supervision and direction of special education and related services for a child/adolescent is documented in an Individualized Education Program (IEP) (IDEA, 2004).

Eligibility for special education and related services under IDEA is established when it has been determined that the child/adolescent is disabled and who, by reason of the disability requires special
education and related services. Types of conditions that may be considered disabling include (IDEA, 2004):
- Autism Spectrum Disorder
- Hearing impairments (including deafness)
- Intellectual Disability
- Orthopedic impairments
- Serious emotional disturbance
- Speech or language impairments
- Traumatic brain injury
- Visual impairments (including blindness)
- Other health impairments or specific learning disabilities

The disabling conditions listed above may co-occur with other behavioral health conditions that are covered under the benefit plan, such as Attention-Deficit/Hyperactivity Disorder (ADHD), mood, and anxiety disorders. Coverage is indicated when:
- The co-occurring behavioral health condition does not qualify for special education and related services under IDEA;
- The co-occurring behavioral health condition is the primary focus of treatment;
- The form(s) of treatment used to treat the co-occurring condition are also covered; and
- There are no terms, limitations, or exclusions of the member's coverage.

If behavioral health services are being provided for a covered condition and there is a need to initiate a referral for school-based services, the treating behavioral health clinician should be familiar with IDEA and the referral process. In general, it is advised that pediatric health care clinicians understand the basic elements of the IDEA federal law. The clinician may be pivotal in helping the child and family access any necessary school-based services when a disabling or suspected disabling condition that may be covered under IDEA is present. (Lipkin et al., 2015 reaffirmed 2019).

All services must be provided by or under the direction of a properly qualified behavioral health provider.

REFERENCES


REVISION HISTORY

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<tr>
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<th>Action/Description</th>
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<tr>
<td>03/14/2017</td>
<td>Version 1 (Approved by UMC)</td>
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<tr>
<td>03/14/2018</td>
<td>Annual Update: Updates to formatting and references</td>
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<tr>
<td>05/20/2019</td>
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