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MEMORANDUM

To: Individuals Who Commented on Regulation 11-05/BF
Requirements for Payment of Services Provided by Independent Licensed
Audiologists, Physical Therapists, Occupational Therapists and Speech
Pathologists (Amendments to Add Independent Occupational Therapists)

From: Roderick L. Bremby, Commissioner 
Department of Social Services
25 Sigourney Street
Hartford, CT 06106

Date: June 7, 2012

Re: Response to Comments on Regulation 11-05/BF

The Department of Social Services (“the Department”) responds to public comments received concerning the proposed regulation referenced above. The Notice of Intent for this regulation was published in Connecticut Law Journal on January 17, 2012. A copy of the regulation with revisions based on public comments and the Department’s own revisions is attached.

1. Section 17b-262-631

Comment: Revise the term “occupation therapy assistant” to read “occupational therapy assistant.”

Response: Correction made.

2. Section 17b-262-636

Comment: Revise the separate regulation for facility-based occupational therapists to require prior authorization for over two services per week rather than the current requirement of one service per week. This comment notes that the Department already changed this requirement in this regulation (section 17b-262-636) and that the other regulation is beyond the scope of this regulation.

Response: The Department recognizes the concern that the prior authorization requirements for facility-based occupational therapists are different from other comparable licensed practitioners.

Accordingly, the Department has already made that change in this regulation. Because the Notice of Intent to Amend Regulations in the Connecticut Law Journal described the scope of this regulation as limited to adding independent occupational therapists to sections 17b-262-630 to 17b-262-640, inclusive, of the Regulations of Connecticut State Agencies, the Department cannot make revisions to other regulations at this time pursuant to that notice of intent to amend regulations. The Department will consider adopting the requested amendment to regulations governing facility-based occupational therapists in a separate regulation-making process.

3. Section 17b-262-634(b)

Comment: Supported the Department's deletion of the limitation on services solely to those in the fee schedule.

Response: The Department already made the requested change in the previous draft. Accordingly, no response is necessary.

4. Comments Regarding Audiology (Sections 17b-262-630, 631, 634, 636, and 640)

Comment: Amend the regulations to reflect more accurately the types of services provided by audiologists. Specifically: update references to procedures to reflect that audiologists primarily provide diagnostic services, not treatment; remove references to audiologists and audiology when referencing treatment requirements; improve consistency with Medicare requirements for audiologists to bill independently from physicians with whom they are associated; and related changes.

Response: The Department recognizes the concern that the existing regulations may not accurately reflect the profession of audiology and the standard practices and procedures involved in providing audiology services. Because the Notice of Intent to Amend Regulations in the Connecticut Law Journal described the scope of this regulation as limited to adding independent occupational therapists to sections 17b-262-630 to 17b-262-640, inclusive, of the Regulations of Connecticut State Agencies, the Department cannot make substantive revisions to the regulations regarding audiology pursuant to that notice of intent to amend regulations. The Department will consider adopting the requested amendments in a separate regulation-making process, either through further amendments to sections 17b-262-630 to 17b-262-640, inclusive, of the Regulations of Connecticut State Agencies or in a new separate regulation for independent audiologists.