



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER FOR OPERATIONS
AND MANAGEMENT SERVICES
Tel. (518) 474-2547
Fax (518) 473-2827
E-mail: tsavo@mail.nysed.gov

February 6, 2007

To: District Superintendents
Superintendents of Public School Districts
Special Education Directors
School District Business Officials
New York State Council of School Superintendents
Conference of Big 5
Superintendents of 4201 Schools
NYS Association of Counties
County Executive
County Administrators
Central New York Regional Information Center
Regional Information Centers
Medicaid Contacts

From: Theresa E. Savo *Theresa E. Savo*

Subject: Medicaid Reimbursement Billing Requirements – SSHSP/PSHSP

The New York State Education Department (SED) and the New York State Department of Health (DOH) have recently been advised of the following Centers for Medicare & Medicaid Services (CMS) guidance in Medicaid billing for services provided under the School Supportive Health Services Program (SSHSP) and the Preschool Supportive Health Services Program (PSHSP). CMS provided this guidance in response to New York State's efforts to settle earlier audit findings of Medicaid overpayment. To prevent future overpayment, disallowances and potential liability, School Districts must bill the Medicaid program only for those types of services that are Medicaid reimbursable as follows:

- 1) **Speech services** may not be billed unless those services are provided by a licensed speech pathologist or provided under the direct supervision of a qualified speech pathologist. Any individuals working under the direction of a qualified speech pathologist must be given contact information to enable them to directly contact the supervising speech pathologist as needed during treatment,
- 2) **Transportation** may not be billed unless the provider can clearly document the child's attendance on the vehicle for eligible services on a specific day being billed.
- 3) **Counseling services** may not be billed unless provided by a professional whose credentials allow that same service outside of the school.

Speech Services – CMS interprets the term “under the direction of” to mean that a federally qualified speech pathologist who is directing speech services must supervise each beneficiary's care. The New York State Attorney General determined that a federally qualified speech pathologist in New York State is a New York State Licensed and Registered Speech Language Pathologist. To practice speech pathology in New York State the practitioner must be a New York State Licensed and Registered Speech Language Pathologist. To meet this requirement, the qualified speech pathologist must see the beneficiary at the beginning of and periodically during treatment, be familiar with the treatment plan as recommended by the referring physician or other licensed practitioner, have continued involvement in the care provided, and review the need for continued services throughout the treatment. The supervising speech pathologist must assume professional responsibility

for the services provided under his or her direction and monitor the need for continued services. The concept of professional responsibility implicitly supports face-to-face contact by the qualified speech pathologist; thus, speech pathologists must spend as much time as necessary directly supervising services to ensure beneficiaries are receiving services in a safe and efficient manner in accordance with accepted standards of practice. To ensure the availability of adequate supervisory direction, supervising speech pathologists must ensure that individuals working under their direction have contact information to permit them direct contact with the supervising speech pathologist as necessary during the course of treatment. Employment terms should provide supervisory ratios that are reasonable and ethical and in keeping with professional practice acts in order to permit the supervising speech pathologist to adequately fulfill his or her supervisory obligations and ensure quality care. In all cases, documentation must be kept detailing the qualified speech pathologist's supervision of services and ongoing involvement in the treatment. As with all Medicaid benefits that permit services furnished under direction, both federal and state requirements must be met at the time services are furnished for the Medicaid program to appropriately provide federal financial participation for services furnished on behalf of Medicaid eligible individuals.

Special Transportation - CMS requires that documentation to support an audit trail be maintained from the point of service to the submission of the claim. CMS has only recognized one acceptable method that is currently used by states to document the provision of transportation service to a particular beneficiary on a particular day. That method is the 'bus log'. The log can be completed by the bus driver or by someone at the school as the students disembark since only bus attendance for each child, not miles, needs to be counted.

Counseling Services - CMS requires that counseling services provided to a Medicaid-eligible student must be provided by a professional whose credentials allow them to provide that same service outside of the school; providers in the schools must hold the same qualifications as the providers in the community. Unless the provider is dually licensed, this would preclude Medicaid claims and reimbursement for counseling services provided by Certified School Counselors, Certified School Social Workers, and Certified School Psychologists. For example, school psychologists are restricted to providing services within the school and are therefore not equivalent to professionals in the community unless they are also licensed under Title 8 of the New York State Education Law to provide counseling services.

In addition to maintaining documentation for billed services, please also maintain documentation of those services not being billed. If the guidelines change in the future, those records may be useful.

Please take notice that failure to follow the CMS guidance provided above will subject all Medicaid claims for these services to disallowance and potential liability. If you have any questions regarding the CMS guidelines, please contact Mr. Hal Matott (hmatott@mail.nysed.gov) or Mr. Steven Wright (swright2@mail.nysed.gov) at (518) 474-7116.

c: Commissioner Richard Mills
Kathy Ahearn
Rebecca Cort
Johanna Duncan-Poitier
Jean Stevens
Michael Albino (DOH)
Deborah Bachrach (DOH)
Joan Gavrilik
Hal Matott
David Ross (Office of Medicaid Inspector General)
Steven Wright