

Medicaid in Education Alert

New York State Office of the Medicaid Inspector General (NYS OMIG)
School/Preschool Supportive Health Services Program (SSHSP/PSHSP)
Medicaid in Education Unit

Issue #07-3

TO: All SSHSP/PSHSP Medicaid Providers

FROM: NYS OMIG SSHSP/PSHSP Medicaid in Education Unit

DATE: March 21, 2007

SUBJECT: Follow-up to Medicaid Alert #07-2

Provider and state-level software issues need to be addressed before claims for the rate codes listed in Medicaid Alert #07-2 may be processed; therefore, the NYS OMIG encourages school districts, counties and 4201 schools to hold all claims for those rate codes until further notice. A waiver will be granted for any held claims for those rate codes that are properly documented and placed in jeopardy because of the two-year claiming restriction.

Within several months the State will notify SSHSP/PSHSP providers how the claims pended in cycle 1540 and subsequent cycles will be handled.

We encourage every school district, county and 4201 school to share the Centers for Medicare and Medicaid Services (CMS) “under the direction of” guidance with their speech-language pathologists. CMS requires that speech-language pathologists follow the federal “under the direction of” guidance provided to audiologists, which is on the second page of this Medicaid in Education Alert.

CMS determined that Medical services may not be billed to Medicaid unless provided by a professional whose credentials allow that same service outside the school. Services must be provided by professionals who are NYS licensed and registered. This requirement applies to speech-language pathologists providing direction to a speech teacher. In New York State having ASHA certification alone does not allow an SLP to practice outside the

school. Upon receipt of clarification from SED's Office of the Professions and DOH legal division, additional information will be provided to clarify which counseling titles meet CMS credentialing requirements.

"Under the Direction of" guidance from CMS

Audiology services provided under §440.110(c)(1) require that the "services be provided by or under the direction of an audiologist for which a patient is referred by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law."

CMS interprets the authority to provide services "under the direction of" an audiologist to mean that a federally qualified audiologist who is directing audiology services must supervise each beneficiary's care. To meet this requirement, the qualified audiologist 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 of the healing arts practicing under State law, have continued involvement in the care provided, and review the need for continued services throughout treatment. The supervising audiologist 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 audiologist at least at the beginning of treatment and periodically thereafter. Thus, audiologists 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 audiologists must ensure that individuals working under their direction have contact information to permit them direct contact with the supervising audiologist as necessary during the course of treatment.

In many cases, qualified audiologists are employed by entities such as a Medicaid agency, clinic, or school. In such instances, the terms of the audiologist's employment must ensure that the audiologist is adequately supervising any individual providing audiology services. In addition to the supervisory requirements described above, employment terms should provide for supervisory ratios that are reasonable and ethical and in keeping with professional practice acts in order to permit the supervising audiologist to adequately fulfill his or her supervisory obligations and ensure quality care.

In all cases, documentation must be kept supporting the qualified audiologist's supervision of services and ongoing involvement in the treatment services. Because Medicaid law requires that documentation be kept supporting the provision and proper claiming of services, appropriate documentation of services provided by supervising audiologists, as well as services performed by individuals working under the direction of a qualified audiologist, are necessary. Absent appropriate service documentation, Medicaid payment for services may be denied providers.

Where appropriate, audiology services must adhere to all State requirements and State practice acts governing the provision of services under the direction of a qualified audiologist. 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.

For any questions/comments regarding this alert, please contact your Regional Information Center representative, NYS Education Department Medicaid Coordinators, or NYS OMIG Medicaid in Education Unit staff.