



June 1994

TO: District Superintendents
Presidents of Boards of Education
Superintendents of Schools
Superintendents of States Operated and State-Supported Schools
Executive Directors of Approved Private Schools
Directors of Approved Preschool Programs
Directors of Special Education
Commissioner's Advisory Panel for Special Education Services
Preschool Special Education Advisory Council
SETRC Project Directors and Training Specialist
ECDC Project Directors and Coordinator is
Teachers of the Speech and Hearing Handicapped
Chairpersons on the Committee for Special Education
State Board for Speech and Language Pathology and Audiology
Directors of Regional Information Centers and Regional Computer Centers
County Preschool Administrators

FROM: Thomas B. Nevelidine

SUBJECT: Clarification of the Guidelines for the Billing of Medicaid for Speech Services

This directive discusses the guidelines under which school districts can bill Medicaid for eligible students receiving speech services by a Certified Teacher of the Speech and Hearing Handicapped.

Federal Medicaid Regulations (42 CFR §440.110(c)) allow Medicaid reimbursement for speech services provided by, or under the direction of, a licensed speech pathologist. Since Federal Medicaid regulations do not define direction, a policy statement to define this phrase was developed jointly by the State Medicaid and Education staff. For the purpose of providing speech services which will be billable through Medicaid, this policy requires the individual ASHA Certified Speech Pathologist or New York State Licensed Speech Pathologist **provide** direction to the speech teacher **by:**

- Being available to the teacher for assistance and consultation, although not necessarily on the same premises: and
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- Reviewing student progress reports at least quarterly; consulting with the teacher as appropriate and offering recommendations.

- The purpose of this direction is to assure:
 - The delivery of appropriate health related support services as per the child IEP;
 - The services are medically appropriate.

The date and number of sessions of a particular health-related support service must be documented for the signature of the service provider. The individual providing the direction for speech services is not required to sign off on each individual service delivery, however, they must be allowed to substantiate that (s)he satisfied the four above mentioned criteria. When districts **request** speech pathologist to provide direction, **sufficient time to be allowed by the district for this effort**

The New York State Education Department has chosen “Certified Teachers of the Speech and Hearing Handicapped” as its high standard for the delivery of speech and language services provided students with disabilities as prescribed on their Individualized Education Program. The selection of the highest standard is mandated by the Federal Individuals with Disabilities Education Act (IDEA). The Department is currently proposing language to the Board of Regents which will bring the education requirements for certification of a Teacher of the Speech and Hearing Handicapped more closely aligned with that of a licensed Speech-Language Pathologist.

This policy of providing direction for speech services is not to change these requirements regarding the provision of speech and language. However, districts may not access Medicaid for eligible speech/language services provided by a certified teacher of speech and language handicapped unless services were provided “ under the direction of” a licensed speech-language pathologist and this policy was in place and implemented by the school district, BOCES, or approved private school at the time of service delivery. Direction is not considered supervision or peer review nor does it require any observation of instruction. However, this policy does **require** periodic contact between the service provider and the individual providing direction.

The licensed speech-language pathologist is under no obligation to provide this direction to the teacher of the speech and hearing handicapped. **School districts should not displace teachers of the speech and hearing handicapped or licensed speech-language pathologists solely for the purpose of billing Medicaid.**

If you have any questions concerns regarding the above policy, please contact one of the following: Robert Scalise ~~or James DeLorenzo~~, New York State Education Department at (518) ~~473-2878~~ [473-6118] or ~~Joanne C. Joseph~~, [Michael Albino] at New York State Department of ~~Social Services~~ [Health] at (518) ~~474-1959~~ [473-9059].

cc: Robert J. Scalise
James DeLorenzo
Joanne Joseph