



**State Intermediate Educational Unit**  
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[www.maine.gov/education/speced/cds](http://www.maine.gov/education/speced/cds)

TO: Child Development Services Site Directors, Case Managers, Contracted Providers,  
CDS Regional Board Chairs  
FROM: David Stockford, Special Services Team Lead  
Debra Hannigan, Child Development Services State Director  
Date: December 9, 2010  
RE: Informational Letter # 6- Clarification of Section 28 Procedures

This letter provides clarification for CDS Staff and Contracted Providers on Section 28. Please note **this information is current as of the date of this letter and may be subject to change.**

#### **Enrolling as a Section 28 Provider**

All School Administrative Units (SAUs) and Child Development Services (CDS) must enroll with MIHMS in order to receive reimbursement for medically necessary services for eligible children under MaineCare. The Individuals with Disabilities Education Act (IDEA) statute requires accessing all third party sources with parent permission, including State Medicaid, prior to utilizing federal IDEA funds for services.

To provide Section 28 Services to children who are eligible, Early Childhood Programs must be enrolled with MIHMS. Programs do not have to solely be a Special Purpose Program to enroll as a Section 28 Provider. Inclusive programs can and may have children placed in their care who meet the eligibility for Section 28.

An Early Childhood Program needs to enroll as Provider Type 86 with a specialty code 163.

To enroll in Section 28, a provider must-

1. Obtain a National Provider Identifier (NPI)  
<https://nppes.cms.hhs.gov/NPPES/Welcome.do>
2. Complete MIHMS Enrollment  
<https://mainecare.maine.gov/maine-pep/ProviderEnrollment.aspx>  
For assistance contact: 866-690-5585 or [mainecareenroll@unisys.com](mailto:mainecareenroll@unisys.com)

#### Staff Requirements

##### Section 28 Basic Services

##### Direct Care Staff

- At least 18 years of age
- Have High School diploma or equivalent
- Behavioral Health Professional (BHP) provisional certification within one month of hire and full certification within one year of hire or by September 11, 2011, whichever is later.
- Current staff must become BHP certified no later than September 28, 2011
- New staff must begin BHP training within 30 days of hire and training must be completed within one year of hire

#### Supervisors of Direct Care Staff

- Bachelor's degree and at least 2 years related experience
- Master's degree and 1 year related experience
- Licensed social worker with 1 year related experience
- Licensed social worker with Master's degree
- LPC, LCPC, LCPC-CC, LCSW, LMSW-C, BCBA, psychologist, physician, or advanced registered nurse

#### Section 28 Specialized Services

- Behavioral Health Professionals who meet all of the certification requirements and are:
  - Under the Supervision of a Licensed Psychologist, Board Certified Behavior Analyst or equivalent as determined by the Department, and
  - Able to demonstrate specific competencies required to provide Specialized Services including but not limited to the basic principles of behavior; and
  - Able to apply, under the direction of the supervisor, an array of procedures specific to Specialized Services.

### Individual Child Enrollment Form Process

For each child who meets the criteria for MaineCare eligibility an Individual Child Enrollment Form MUST be completed for Prior Authorization (<http://www.maine.gov/dhhs/ocfs/cbhs/provider/forms/2010/28-form-19.doc>).

For all children referred to CDS, CDS must conduct an evaluation (for children b-5 this must include the Bayley or the Battelle that has been done within three years), hold an IFSP/IEP team meeting to discuss the information provided, determine eligibility under IDEA, determine appropriate services and determine the appropriate service setting.

If the evaluation needed for IDEA purposes does not substantiate the level of functional impairment required for Section 28 eligibility, a physician's statement establishing a diagnosis that will lead to a functional impairment, if not treated, is required for eligibility for Section 28 services. The Team should work with the family to get the letter from the physician when necessary.

After the creation of the IFSP/ IEP, providers must complete an Individual Child Enrollment Form for each child who may qualify for Section 28 to obtain Prior Authorization from Child Behavioral Health Services (CBHS).

- The team must determine, based on the child's diagnosis and functional delays, if the child is likely or not likely to be eligible for Section 28. This determination must be documented in the written notice of the meeting. If the team determines the child is likely to be eligible for Section 28, the provider must attempt to enroll the child.
- If a provider knows a child *is not likely* to qualify for Section 28, the provider *does not need* to submit an Individual Child Enrollment Form for prior authorization. CDS will reimburse for services without denial.
- If a provider knows a child *is likely* to qualify for Section 28, the provider *must* submit an Individual Child Enrollment Form to CBHS for prior authorization.

**Services indicated on the IFSP/ IEP must be provided per the team's recommendation and must not be delayed while waiting for Prior Authorization from CBHS.** The Individual Child Enrollment Form must be submitted and approved prior to billing MaineCare for the services indicated on the enrollment form. When billing CDS you must provide

documentation of the Child Enrollment being denied by MaineCare **unless it is clear that the child does not meet the eligibility criteria based on the team's determination.**

To complete an Individual Child Enrollment Form after the IFSP/IEP team meeting use the following procedure.

**For children who are placed in CDS Programs:**

1. CDS identifies children who appear to meet the eligibility criteria in Section 28. (Resource: Eligibility criteria in Section 28)
2. Individual Child Enrollment Form for School Providers is completed by serving provider for each child.
  - a. Eligibility Based On Diagnosis Code and Functional Assessment or
  - b. Eligibility Based on Specific Congenital or Acquired Condition. Must be accompanied by written assessment and diagnosis from a physician.
  - c. Provider determines units child requires based on medical necessity.
3. Individual Child Enrollment Form is sent to CBHS Regional/District Office covering provider's location with child's current IFSP/IEP and MaineCare Documentation Form.
4. Once prior authorization is obtained, prior authorization information is indicated in MIHMS.
5. CDS Case Manager will update the Insurance tab in Case-E with prior authorization information found in MIMHS.
6. CDS places a copy of the enrollment form in child's folder.

**For children who are placed with a contracted Early Childhood Provider:**

1. CDS Case Manager sends copy of IFSP/IEP to Early Childhood Provider.
2. Based on the information contained in the written notice of the IFSP/IEP meeting, the Provider identifies children that are likely to be eligible for Section 28 Services
3. Individual Child Enrollment Form for School Providers is completed by outside Provider for each child identified as likely to be eligible.
  - a. Eligibility Based On Diagnosis Code and Functional Assessment or
  - b. Eligibility Based on Specific Congenital or Acquired Condition. Must be accompanied by written assessment and diagnosis from a physician.
4. Individual Child Enrollment Form is sent to CBHS Regional/District Office covering Provider's location with child's current IFSP/IEP and MaineCare Documentation Form.
5. Once prior authorization is approved, the PA number is included when billing MIHMS.
6. Provider sends a copy of the enrollment form to the CDS office responsible for placement.
7. CDS Case Manager will update the Insurance tab in Case-E with prior authorization information found in MIMHS.
8. CDS places a copy of the enrollment form in child's folder.

**Reminders:**

- CBHS can not process Individual Child Enrollment Forms if the Provider is not fully enrolled in MIHMS. CBHS will send notification to the provider if enrollment is incomplete.
- CBHS will notify the Provider if there is an incomplete Individual Child Enrollment Form or if the IFSP/IEP and MaineCare Documentation Form are not complete. The Provider will have 10 days to correct the issue with CBHS and if not completed, the Individual Child Enrollment Form will not be processed and will be closed.
- CDS will only contract and place children who are receiving educationally appropriate services in programs that have met CDS Program Approval.
  - To be an approved CDS program a Program Approval Application can be found at:

[http://www.maine.gov/education/speced/cds/progrms/app\\_071609.doc](http://www.maine.gov/education/speced/cds/progrms/app_071609.doc)

- For assistance contact Janna Gregory at [Janna.Gregory@maine.gov](mailto:Janna.Gregory@maine.gov)

For further information please see, Procedures for Schools at <http://www.maine.gov/dhhs/ocfs/cbhs/provider/forms/2010/28-form-18.doc>

## Maine Care Documentation Form

The Departments of Education and Health and Human Services have reviewed the documentation required by MaineCare in addition to the components of the Individualized Educational Program (IEP).

The Department of Health and Human Services has determined that a child's Individualized Educational Program (IEP) contains all but three pieces of documentation that are necessary for MaineCare billing. Those three pieces are:

- The signatures of all the team members;
- The Plan of Care completed by the provider and when appropriate containing the analysis from the Medical Necessity Decision Tree (<http://www.maine.gov/education/medicaid/tree.html>), the short term objectives, and the specific services that are medically necessary.
- A Crisis Plan for each child enrolled in Section 28.

The MaineCare Documentation Form that covers these three requirements can be found at <http://www.maine.gov/education/medicaid/index.html>  
<http://www.maine.gov/education/medicaid/mainecaredocumentationform2010.rtf>.

A review of the IFSP is currently being done by both departments to determine what additional requirements will be needed to satisfy MaineCare documentation. When that is complete, a MaineCare Documentation Form for IFSPs will be sent to CDS regional sites and providers.

## Billing

You must directly bill MaineCare for children who qualify for MaineCare Section 28.

For children who do not qualify or who have been denied authorization, invoices can be sent to:  
Bettie Fuller  
Child Development Services State IEU  
146 State House Station  
Augusta, Maine 04331

All invoices submitted to Child Development Services must have the following information:

- Unique invoice number
- CDS Site from which child was referred for services
- Child's name
- Child's date of birth
- Dates of service
- Name of provider
  - o Billing address
  - o Telephone number
- Type of service performed
- Hourly rate and number of hours billed
- Third party payments received with copy of explanation of benefits
  - o Or third party denial of payment
- Total amount due

## Eligibility for Services

To be eligible for Services a member **MUST** be under twenty-one years of age **and**,

Must meet the financial eligibility criteria as set forth in the MaineCare Benefits Manual **and**,

All services must be medically necessary pursuant to Chapter I, Section 1.02-4.D. of the MaineCare Benefits Manual and identified in the ITP,

### **AND**

The member must have a completed multi-axial evaluation with an Axis I or Axis II behavioral health diagnosis using the most recent Diagnostic and Statistical Manual of Mental Health Disorder or an Axis I diagnosis from the most recent Diagnostic Classification of Mental Health or Developmental Disorders of Infancy and Early Childhood Manual (DC-03);

### **AND**

Have a functional assessment administered within one (1) year prior to the date of the referral documenting functional impairment measured as two (2) standard deviations below the mean on the composite score or have one point five (1.5) standard deviations below the mean on the composite score and two standard deviations below the mean in the communication or social domain sub score of the most current version of the Vineland Adaptive Behavior ,or the Adaptive Behavioral Assessment Scales or Battelle Developmental Inventory or Bayley Scales of Infant and Toddler Development or other functionally equivalent tools approved by DHHS and other clinical assessment information obtained from the member and family;

### **OR**

A member aged birth through five (5) years, who has a diagnosis from a physician (including psychiatrist) of a specific congenital or acquired condition, and a written assessment by a physician (including psychiatrist) that there is a high probability that because of that condition, the member will meet the functional impairment criteria in (C)(1) above, later in life if medically necessary services and supports are not provided to the member;

### **AND**

Family Participation is required in treatment services to the greatest degree possible given the individual needs as well as family circumstances.