

INFORMATIONAL LETTER: 79  
POLICY CODE: DIC

TO: Superintendents, Special Education Directors, Regional CDS Sites,  
Special Purpose Private Schools, and CDS Approved Providers  
FROM: Stephen L. Bowen, Commissioner of Education  
Mary Mayhew, Commissioner of Health and Human Services  
DATE: April 14, 2011  
RE: MaineCare Update

#### Unlicensed Speech and Language Clinicians Holding a Certificate 293

The Department Of Health and Human Services has proposed an amendment rule change to the MaineCare Benefits Manual, 10-144 C.M.R. Chapter 101, Chapter II, Section 109, Speech and Hearing Services. The Department of Health and Human Services has proposed revisions to the routine technical rule would clarify that unlicensed Speech and Language Clinicians holding a Certificate 293 are not qualified providers of MaineCare services. This rule change would ensure assures compliance with 42 CFR §440.110, the federal regulation that requires that speech language pathologists delivering medically necessary services in all settings, including schools, meet State licensure requirements or have completed educational work requirements equivalent to that which earns a certificate from the American Speech and Hearing Association.

#### Maine Care Billing and Rendering Provider NPI Numbers

There have been questions raised with regard to two sections of MaineCare policies and whether the actual provider of the service needs to have his/her NPI number on the claim form. The following chart has been developed by MaineCare staff to clarify when renderings are required.

| <u>Policy Section</u>                     | <u>Provider Type &amp; Specialty</u>                  | <u>Renderings Required</u> |
|---|---|----------------------------|
| Section 65 (Day Treatment)                | Public Schools/Community Support                      | No                         |
| Section 65 (Therapy Services)             | Public Schools/Therapy Services                       | Yes                        |
| Section 68, 85, 109<br>(Therapy Services) | Public Schools/Therapy Services                       | Yes                        |
| Section 28                                | Public Schools/Children's Community<br>Rehabilitation | No                         |

#### Trainings by MaineCare Staff on Enrollment and Claims Billing

Department of Education and Health and Human Services staff have been working with representatives of the Maine Association of Directors of Special Education [MADSEC] and the Maine School Management Association to develop regional trainings to provide technical support in finalizing enrollment, in proper billing of claims, and in developing and maintaining appropriate documentation within individual client records. These will be done in the superintendent regions during the month of May and early June. Specific dates and times will be provided in subsequent invitations.

## Upcoming MaineCare Rulemakings

MaineCare school based services are being audited for the 2006-2008 school year by the US Office of Inspector General (OIG). The audits will be conducted in randomly selected school administrative units (SAUs) districts, and will include review of records for children for whom MaineCare services were reimbursed. The Department of Health and Human Services is also working with the Centers for Medicare and Medicaid Services (CMS) to ensure that compliance for all school based services are compliant with federal requirements in the future. As a result, MaineCare will be issuing several proposed rules in the near future soon that will be in effect for the beginning of the next school year. Those rule changes will require schools to meet all of the same requirements that other community based providers must meet, ensure that children meet all medical necessity and prior authorization requirements, and will clarify that school based providers must maintain all necessary records for MaineCare billed services in the same manner as other providers. Federal law prohibits the reimbursement of providers that are not licensed providers practicing within the scope of their license. (42 CFR § 440.60). Federal law also requires that Medicaid provide comparable services across various Medicaid groups. Social Security Act, § 1902(a)(10)(B). This has been interpreted by CMS and the federal Office of Inspector General (OIG) to require that practitioners within the schools meet the same standards of licensure as those that serve outside the schools. See Medicaid and School Health: A Technical Assistance Guide at 15 (Centers for Medicare and Medicaid Services (CMS), 1997). Citing this principle, recent audits by OIG have found Medicaid programs in other states in violation of federal law. As a result, those states, providers and school systems are liable for substantial Medicaid overpayments - a result that the Department seeks to avoid here in Maine. The DOE and DHHS will conduct additional trainings over the summer months to review and explain these requirements.

## Planning Budgets for FY 2012 and MaineCare Reimbursement

There is significant Congressional work underway in Congress on federal funding and/or proposed reductions of programs. and proposed reductions in the current Continuing Resolution (CR). While Medicaid is not specifically addressed in the current Continuing Resolution (CR), there are some proposals underway by some Congressmen that would refine the Medicaid program. Given this climate, we would advise school administrative units to be very conservative in budgeting for MaineCare reimbursement for FY 2012.

## Memos of Clarification from the Department of Health and Human Services

Two clarification memos (March 3, 2011; March 17, 2011) have been posted on the Maine Department of Education Medicaid webpage which address: Early Intervention Services, School Based Services, and MaineCare reimbursement; and Billing Concerns for School Based MaineCare Services for Physical Therapy, Occupational Therapy, and Speech Language Pathology Services provided by Hospitals. The two memos can be found at:

<http://www.maine.gov/education/medicaid/index.html>

If you have questions, you can contact Jaci Holmes, Federal State Legislative Liaison, Maine Department of Education, by phone at 624-6669 or email at <mailto:jaci.holmes@maine.gov> or Patricia Dushuttle, Medicaid Policy Director, Department of Health and Human Services, by phone at 287-9362 or email at <mailto:patricia.dushuttle@maine.gov>.