

Florida Medicaid Draft Rule 59G-4.035 School Based Services Policy

Bureau of Exceptional Education and Student Services/University of
South Florida Student Support Services Project

April 17, 2018

Agenda

- ❖ Introductions (FDOE/USF staff and AHCA listeners)
- ❖ Rule development information (from information/slides provided by Luc from AHCA on prior quarterly Medicaid call)
- ❖ Upcoming Rule Development Workshop/Comments
- ❖ Overall changes
- ❖ Eligible provider changes
- ❖ Covered services changes
- ❖ Next steps

Rule Workshops and Proposed Rules

- ❖ Rule Workshops and Proposed Rules are published in the Florida Administrative Register (FAR).
- ❖ Workshops and hearings are typically held in one of the Agency's conference rooms at Fort Knox Building 3, 2727 Mahan Drive, Tallahassee.
- ❖ Workshop: Scheduled so that interested parties may provide informal advice and comments about the rule.
- ❖ Public Hearing: More formal process for interested parties to present testimony or documents about the rule content.
- ❖ If the Agency elects to modify the rule in response to the hearing testimony or other materials submitted, the revised text will be published in the Florida Administrative Register as a Notice of Change.
- ❖ Additional detail about the rule adoption process is found in [Chapter 120](#), Florida Statutes and [Chapter 1B-30.001](#), Florida Administrative Code.

Workshop/Providing Comments on Proposed Rule

- ❖ Rule Development Workshop is scheduled for Friday, April 20, 2018 from 2:00 p.m. to 2:30 p.m. (EST)

Agency for Health Care Administration
2727 Mahan Drive
Building 3
Tallahassee, FL 32308
- ❖ There will not be a call in number for the workshop.
- ❖ The workshop official comments to be entered into the rule record will be received until **5:00 p.m. on April 23, 2018** and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com.

Overall Changes

- ❖ Significantly reduces number of pages of policy/rule
- ❖ Eliminates “how to” from policy and examples
- ❖ References other rules such as documentation policy, fee schedules, general policies (no longer included in this policy/rule) which will be used in conjunction with this policy.
- ❖ Includes charter and private schools
- ❖ Incorporates concept of free care-services can be provided to all Medicaid recipients with a plan (IEP, IFSP, behavior, nursing-but not limited to those)
- ❖ Changes to eligible rendering providers and services
- ❖ Changes to definition of services (reduction in descriptions)
- ❖ Changes to documentation and POC requirements
- ❖ Change to certifications of state’s share

Specific Changes to Note

- ❖ 2.1 General Criteria: Requires that provider must verify each recipient's eligibility each time a service is rendered.
- ❖ 3.2 Who Can Provide:
 - Leaves out RNs, PTs, PTAs-but hoping that is an error
 - Requires social workers to be licensed (and can not be bachelor's level)
- ❖ 4.2.1: Testing is no longer listed as a covered service "unscheduled activities for the purpose of resolving an immediate crisis situation" is no longer listed
- ❖ 4.2.2 Indicates that physician must recommend all nursing services
- ❖ 4.2.2 Indicates individual and group therapy is allowable as a nursing service.
- ❖ 5.2 Indicates Nursing services provided to a group is not covered. Will ask for clarification. Also, what about students that get nursing services at school and at home? For example tube feedings at school and at home.

Specific Changes to Note

- ❖ 6.2 Specific Criteria: Requires that providers maintain a POC in recipient's file and outlines what POC must include.
 - Appears to require a POC for EVERY service
 - Refers only to "therapy", "therapist", "therapist signature"(which does not apply to many providers/services)
 - Requires "monitoring criteria" to be in POC
- ❖ 6.2.1 Requires that documentation rendered by school counselor be signed by Master's level social worker, psychologist or school psychologist
- ❖ 8.2 Specific Criteria: Changes annual certification to quarterly certification for state's share of reimbursement ("match").

Eligible Providers

- ❖ Changes for school district based providers are noted on following slides
- ❖ School districts are enrolled as group providers, but each provider is not required to enroll separately as a Medicaid provider and receive an individual provider number
- ❖ Providers rendering services for private and charter schools must be enrolled as Florida Medicaid providers in accordance with section 409.9072, F.S.

Providers-Therapy

Therapy Providers	Current Handbook	New Rule
PT	Licensed	Not in rule
PTA	Licensed (under general supervision of PT)	Not in rule
OT	Licensed	Licensed
OTA	Licensed (under general supervision of OT)	Licensed (under general supervision of OT)
SLP	One of following: -Licensure -FDOE Certification (“Speech-Language Impaired-Professional) -CCCs -ASHA Membership Card -Master’s level degree in speech-language pathology	Licensed or certified by FDOE—wording needs clarification. States SLPs and SLPAs “licensed in accordance with Chapter 468, F.S. or certified by DOE and who meet requirements specified under 42 CFR 440.110”
SLPA	Certification from Florida Board of SLP and Audiology	

Providers-Behavioral

Behavioral Service Providers	Current Handbook	New Rule
Psychologists/School Psychologists	<ul style="list-style-type: none"> -Licensed -Certified by FDOE as a temporary certified school psychologist or as a certified school psychologist -Master's, Specialist's or higher degree and accumulating experience for licensure or FDOE certification if rendered under the general supervision of a licensed psychologist, school psychologist, or FDOE certified school psychologist 	<ul style="list-style-type: none"> -Licensed -Certified by FDOE as a temporary certified school psychologist or as a certified school psychologist

Behavioral Service Providers	Current Handbook	New Rule
<p>Social Worker (Bachelor's and Master's Level)</p>	<p>Must have one of following:</p> <ul style="list-style-type: none"> -License as clinical social worker -FDOE certification as school social worker with master's level degree -Master's degree of higher and working under the supervision of a licensed clinical social worker or FDOE certified master's degree or higher in social work in order to obtain work experience necessary for licensure or certification. -FDOE certification as school social worker with bachelor's degree and working under the supervision of a licensed or FDOE certified master's degree level school social worker. 	<p>Social workers licensed in accordance with Chapter 491, who have one of the following:</p> <ul style="list-style-type: none"> -FDOE certification as a social worker with a master's degree or higher in social work -Master's degree or higher and working under the supervision of a licensed clinical social worker (or equivalent)

Behavioral Service Providers	Current Handbook	New Rule
Certified Behavior Analyst (Bachelor Levels and Master levels)	Certification from DCF and have bachelor's or master's degree	Not in Rule-DCF certification no longer available
Associate Certified Behavior Analyst	Certification from DCF and must work under the supervision of a master's level CBA	Not in Rule-DCF certification no longer available
Board Certified Assistant Behavior Analysts (BCaBA)		Credentialed by the Behavior Analyst Certification Board
Behavior Assistants		Credentialed as registered behavior technician (before January 1, 2019)
Lead Analyst		One of following: -Behavioral analyst (BCBA) credentialed by Behavioral Analyst Certification Board -Florida certified behavior analyst (FL-CBA) credentials by the Behavior Analyst Certification Board -Practitioner licensed in accordance with Chapter 490 and 491, F.S., with training and expertise in the field of behavior analysis

Behavioral Service Providers	Current Handbook	New Rule
School Counselor	Certified by FDOE and have master's level or higher	Certified by FDOE (Chapter 1012, F.S.)-Effectively no change from current practice
Mental Health Counselor	One of the following: -Licensed as mental health counselor under Chapter 491, F.S. -Master's degree and provisional license or board registration as an intern and working under the supervision of a licensed mental health counselor -No temporary licenses	Licensed as mental health counselor in accordance with Chapter 491, F.S.
Marriage and Family Therapist	One of following: -Licensed as marriage and family therapist under Chapter 491, F.S -Master's degree and provisional license or board registration as an intern and working under the supervision of a licensed marriage and family therapist -No temporary licenses	Licensed as marriage and family therapist in accordance with Chapter 491, F.S.

Providers-Nursing

Nursing Providers	Current Handbook	New Rule
RN	Licensed	Not in rule
LPN	Licensed (under general supervision of RN)	Licensed (under general supervision of RN) practicing in accordance with Chapter 464, F.S.
School Health Aide	Training in: -CPR -First Aid -Medication Administration -Patient specific training	Training in: -CPR -First Aid -Medication Administration -Patient specific training

Covered Services-Therapy

4.2.1: Description of covered services vastly reduced (Comment: Need confirmation that the reduction in the description is not an elimination of the services that can be reimbursed under the description in the current policy)

4.2.6: Casting or Strapping (Comment: Previous descriptor was “Casting or Splinting”. Request that descriptor be changed to the current descriptor)

4.2.8: AAC Services: Removes requirement for interdisciplinary team.

General: No requirement for prescriptions listed in any therapy service.

Covered Services-Behavioral

4.2.1: Description of covered services vastly reduced (Comment: Need confirmation that the reduction in the description is not an elimination of the services that can be reimbursed under the description in the current policy)

6.2: Refers to “therapy” as a covered service; also includes group services (Comment: Therapy is not a word generally associated with the provision of nursing services. Group services have not previously been covered, so this may be an error.)

6.2.1: Documentation for behavioral services rendered by a school counselor must be signed by either a master’s level social worker, psychologist, or school psychologist. (Comment: This is a new requirement. All school counselors are master’s level, so would them to be considered as service providers that do not require additional signatures on documentation)

6.2: Requires a plan of care. (Comment: Some behavioral services on the IEP such as consultation and care coordination would not be on the IEP and would not have objectives or goals.)

Covered Services-Nursing

4.2.2: Description of covered services vastly reduced-does not address emergency care (Comment: Need confirmation that the reduction in the description is not an elimination of the services that can be reimbursed under the description in the current policy)

4.2.2: Refers to “therapy” as a covered service; also includes group services (Comment: Therapy is not a word generally associated with the provision of nursing services. Group services have not previously been covered, so this may be an error.)

4.2.3: Covers screening services for recipients who are also receiving Florida Medicaid private duty nursing services.-need explanation

5.2: Excludes coverage for nursing services provided to groups (Comment: Contradicts 4.2.2)

5.2: Excludes coverage when nursing services are provided to a recipient on the same date of service as Florida Medicaid private duty nursing services. (Comment: Contradicts 4.2.3 and isn't clear if this is private nursing duty at school or at home. If at home, a district may not be aware of the service being provided)

6.2: Requires a plan of care. (Comment: Many nursing services on the IEP would not have objectives or goals.)

Additional Comments/Questions

- ❖ 1.1.1: Does not list all the services provided (psychological and other behavioral, transportation)
- ❖ 1.3.7: Reference 34 CFR 300.20 instead of “Part C”
- ❖ Audit procedures are not in the proposed rule-will monitoring remain the same? Will the specifics on the monitoring form be as specific since the specificity has been removed from the handbook?
- ❖ Can POC information still be filed with the IEP, such as signatures of providers.
- ❖ How much lead time will we have for implementation (electronic billing systems will need to change)?

What's next?

- ❖ Rule development workshop
- ❖ FDOE Medicaid liaison will work with AHCA, as allowed by AHCA, to address comments
- ❖ FDOE will provide additional information to districts as rule development process continues.