



Items for Consideration for Waiver Requests and Alternate Reimbursement Revenue Projections

Purpose

This information is being provided to school districts to assist with the development of a request for waiver or submission of an alternate reimbursement revenue projection in accordance with N.J.A.C. 6A:23A-5.3. This is the same information that will be used by the Executive County Superintendent to review waivers and alternate reimbursement revenue projections. Please note that the district will have to provide documentation and/or reliable evidence for the items under each requirement, if applicable. A copy of the board resolution must be included with the submitted documents for a waiver request.

Waiver

A district may obtain a waiver of the requirement to optimize SEMI (Special Education Medicaid Initiative) [NJ School-Based Health Services (NJ SBHS)] participation if the projection provided by the New Jersey Department of Education (NJDOE) reflects that, for the subsequent school year, the district will have 40 or fewer Medicaid-eligible classified students.

- a. Based on the NJDOE's projections, the district will have 40 or fewer Medicaid-eligible classified students for the subsequent school year.
- b. It is recommended that districts perform a cost benefit analysis, even if 40 or fewer students are projected, prior to submitting a waiver request.

Alternate Reimbursement Revenue Projection

Regarding an alternate reimbursement revenue projection, a district may seek approval from the Executive County Superintendent to use its own projection of SEMI (NJ SBHS) interim reimbursement rather than the reimbursement revenue projection it received, upon demonstration that its numbers used in calculating the projections are more appropriate, given the district's student population and health-related services typically provided. Districts that obtain an approved alternate reimbursement revenue projection are still required to participate in the SEMI (NJ SBHS) program and must meet the approved alternate budgeted amount.

Reliable Evidence

The following may be considered reliable evidence:

- a. The number of students who are classified as eligible for special education and related services or eligible for speech-language services but **are not** receiving any of the Medicaid-eligible health-related services described below.
 - i. **Criteria:**
Districts may claim under SEMI (NJ SBHS) when certain health-related services are delivered to Medicaid-eligible classified students. These related services must be

documented in the student's Individualized Education Program (IEP) and EDPlan™ and provided by a Medicaid qualified practitioner. Medicaid-eligible health-related services are limited to the following services:

- Audiology;
 - Evaluation services to determine a student's health care needs;
 - Nursing services;
 - Occupational therapy;
 - Physical therapy;
 - Psychological counseling;
 - Specialized transportation services; and
 - Speech therapy.
- ii. The following services are *not* reimbursable through the SEMI (NJ SBHS) program:
- Educational services and associated costs, including IEP meetings, which do not include a health-related component;
 - Therapy services not documented as medically necessary, in the IEP, on the dates of logged services;
 - Verification of a student's Medicaid eligibility;
 - Transportation services other than prescribed specialized transportation;
 - Services by providers who are not SEMI-qualified or licensed providers for the services rendered as required by federal Medicaid and State statutes and codes;
 - Health related services provided without charge to all students, such as health screenings, as defined by federal law;
 - Health related services without a valid referral, as outlined within the Speech, Physical, and Occupational Therapy sections below; and
 - Health-related services provided as part of an LEA's Extended School Year (ESY) program.
- b. The number of students who are classified as eligible for special education and related services or eligible for speech-language services but **are not** receiving Medicaid-eligible health-related services from a Medicaid qualified practitioner.

or

The **referral** for the health-related services **is not** from a Medicaid qualified practitioner.

i. **Criteria:**

A Medicaid qualified practitioner is a/an:

- Audiologist licensed by the State Audiology and Speech-Language Pathology Advisory Committee.
- Occupational therapist licensed by the Occupational Therapy Advisory Council and certified or endorsed by the Department of Education.
- Physical therapist licensed by the State Board of Physical Therapy Examiners and certified or endorsed by the Department of Education.

- Psychologist or social worker certified or endorsed by the Department of Education. Note: Counseling services provided by a guidance counselor are not claimable under SEMI (NJ SBHS).
 - Registered nurse (RN) licensed by the New Jersey Board of Nursing.
 - Speech therapist:
 - For evaluations — licensed by the State Audiology and Speech-Language Pathology Advisory Committee and certified or endorsed by the Department of Education.
 - For speech-language services — holds either a current Certificate of Clinical Competence by The American Speech-Language-Hearing Association (ASHA) or a current license issued by the State Audiology and Speech-Language Pathology Advisory Committee and certified or endorsed by the Department of Education.
- c. The number of students who are eligible for special education and related services for whom your district has received responses that indicate parents have refused consent for SEMI (NJ SBHS) participation (not including “No Response”).
- i. **Criteria:**
The district must have documentation to account for negative consent.

Allowable Health-Related Evaluation Services

A student’s health-related evaluation identifies the need for specific health services and the evaluation results are used to develop the student’s IEP. The IEP must include the prescription for the range and frequency of health-related services the student needs to have access to a free, appropriate public education. Discrete health related evaluations provided by an NJ SBHS Qualified service provider within their respective related service type are eligible for program reimbursement.

Health-Related Services

A district may claim for health-related services provided by certified occupational therapy assistants (COTAs), licensed practical nurses (LPNs), physical therapy assistants (PTAs), or non-SEMI (NJ SBHS) qualified speech-language specialists if they meet the “under the direction” requirements.

Note: Only health-related direct services are eligible for reimbursement “under the direction.”

- a. The district does not have appropriately credentialed staff members to supervise those who are working “under the direction,” per the criteria indicated below:
- i. **Nursing** — “Under the direction” services by a Licensed Practical Nurse (LPN) requires the supervision of a licensed Registered Nurse (RN) or otherwise legally authorized physician or dentist to sign the monthly related service documentation form or approve the logs of the non-SEMI (NJ SBHS) qualified provider in EDPlan.
 - ii. **Occupational therapy**— “Supervision” means the responsible and direct involvement of a licensed occupational therapist for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan. The licensed occupational therapist must sign the monthly related service documentation form or approve the logs of the non-SEMI (NJ SBHS) qualified provider in EDPlan.

- iii. **Physical therapy** — “Direct supervision” means the physical therapy assistant is in the presence and under the supervision of a licensed physical therapist. The licensed physical therapist must sign the monthly related service documentation form or approve the logs of the non-SEMI (NJ SBHS) qualified provider in EDPlan.
- iv. **Speech therapy** — “Under the direction” means that the ASHA-certified or New Jersey licensed speech-language pathologist:
 - Maintains responsibility for the services delivered;
 - Sees the student, at least once, and periodically thereafter, as needed;
 - Provides input into the type of care provided;
 - Monitors treatment status after treatment has begun;
 - Meets regularly with the staff being supervised; and
 - Is available to the supervised staff.

The speech-language pathologist who is ASHA-certified or licensed must sign the monthly related service documentation form or approve the logs of the non-SEMI (NJ SBHS) qualified provider in EdPlan. The supervisee must meet minimum qualifications of full DOE certification.

Department of Children and Families Campuses

A district participating in SEMI (NJ SBHS) cannot claim for health-related services provided to students who attend Department of Children and Families (DCF) campuses.

More information on SEMI (NJ SBHS) can be found on the Department of the Treasury’s [NJ SBHS Website](#).

If you have questions or need assistance, please contact:

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