

## **FAQ's**

### **#1. Are clinical fellowship year (CFY) practitioners (service providers who are in the process of earning their Certificate of Clinical Competence (CCC) required to work “under the direction”?**

Yes, per qualifications outlined in the SEMI Provider Handbook, Practitioners must

*Hold “a Certificate of Clinical Competence (CCC) from the American Speech and Hearing Association (ASHA),” and*

*Have “completed the equivalent educational requirements and work experience necessary for ASHA certification”. (Master degree is required of those certified after 1993 along with DOE certification.)*

### **#2. Can physician assistants or nurse practitioners write prescriptions? What does their licensure allow and does Medicaid recognize them?**

Both physician assistants and nurse practitioners write prescriptions. Nurse practitioners have to be affiliated with a physician. (See Exhibit 2.a.) A federal audit will recognize physician assistants and nurse practitioner prescriptions as long as the practice is allowed by the State of New Jersey law.

### **#3. Out of district schools are not providing certification information to sending districts. This includes private school for students with disabilities and DOE regional day schools.**

Problem with out of district claiming has been ongoing. DOE private school contract renewal is addressing and including language to assure that private schools comply with the documentation required by sending districts in order to comply with Medicaid regulations.

### **#4. What is the requirement for frequency of parental consent?**

There must be one parental consent on file for up to seven years after a student has withdrawn from the district.

### **#5. After a student ages out, how can the district maintain SEMI documentation?**

SEMI documentation must be maintained for seven years after date of service. (Letter issued by Treasury-Fiscal dated November 2, 2007 attached – see Exhibit 5.a.) *In addition, no records subject to an audit or legal actions may be destroyed until completion of the audit or legal action.*

### **#6. Who claims when a charter school sends a student to an approved private school for the handicapped where the district pays the tuition?**

The district of residence claims for services, the approved private school is required to maintain all required documentation and provide it to the school district.

**#7. Does entering information into the EasyTRAC™ system without parental consent breach confidentiality?**

This is not a breach of confidentiality. PCG acts as an agent for the school district, entering information into the EasyTRAC™ system is used for the sole purpose of Medicaid reimbursement.

**#8. Can certification information be entered into EasyTRAC™ by the state?**

A sample file has been shared with PCG. Matching could present a problem. Presently, there are too many variables that exist to create an exact match.

**#9. Preschool disabled-integrated services are not included in the related services section of the IEP. Will auditors look for the information in other areas of the IEP?**

Auditors will look for information to support a claim in all sections.

**#10. Auditors are requesting prescriptions for occupational and physical therapy.**

Auditors may ask for prescriptions for therapy, but they will accept an evaluation/referral for services from the practitioner included as part of the IEP. The following is noted from the SEMI Provider Handbook:

*In accordance with federal regulations (42 CFR § 440.110(b)), occupational therapy services must be “prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law and provided to a recipient by or under the direction of a qualified occupational therapist.”*

*In accordance with federal regulations, (42 CFR § 440.110(a)) physical therapy services must be “prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law and provided to a recipient by or under the direction of a qualified physical therapist.”*

**#11. Districts have reported that there is a delay in licensure information being posted to the NJ Division of Consumer Affairs website. Is there a contact that we can follow up with regarding this?**

Districts can call the License Verification Line at (973) 273-8090 for the most recent status of a licensee.

**#12. Due to a large number of speech providers with emergency certifications, districts question whether there is any possibility that these providers be included in documenting ‘Under the direction’?**

The Department of the Treasury and the Department of Education acknowledge the large number of Emergency Certified Speech Language Specialists with emergency certifications. While Emergency Certified Speech Language Specialists are qualified to provide services to students in an educational setting, federal Medicaid standards do *not* allow for Emergency Certified Speech Language Specialists to be included in “Under the Direction” documentation. Therefore, under all circumstances, Emergency Certified Speech Language Specialists are *not* reimbursable under the SEMI program.

**# 13. Are provider attendance logs needed in the event of an audit?**

There is no federal or state requirement for provider attendance logs. If asked for provider attendance, please provide the auditor with a copy of the service provider’s service documentation.

**#14. With respect to attendance records, districts have reported that some of their Approved Private Schools for the Disabled only provide information regarding number of absences rather than the dates of absences. Because dates of attendance and absences are required for SEMI record retention, can the newest tuition contracts require the approved private schools to provide this information?**

The DOE has sent out a reminder to all approved private schools to retain this information and to provide it when requested.

**#15. Because assessment data is being reviewed at exit conferences, are these meetings considered claimable?**

These meetings are not considered claimable under the program.

## Exhibit

### 2.a

#### D. Functions that a Nurse Practitioner May Perform in New Jersey:

An APN in New Jersey may perform all the tasks of a registered professional nurse plus advanced nursing services.<sup>xv</sup> These advanced nursing services include: preventive care services; and diagnosing and managing illnesses and deviations from wellness.<sup>xvi</sup> Specifically, an APN may initiate laboratory and other diagnostic tests.<sup>xvii</sup> The APN may also prescribe and order treatments, including referrals to other licensed health care professionals.<sup>xviii</sup> The prescription of medication is subject to physician collaboration requirements.<sup>xix</sup>

To exercise prescriptive authority, an APN in New Jersey must collaborate with a physician. In all settings, the APN must write prescriptions in accordance with joint protocols mutually developed by herself or himself and the collaborating physician.<sup>xx</sup> An APN may prescribe medications only at locations specified by the written joint protocols. The protocols must be reviewed, updated, and signed at least annually by both the APN and physician.<sup>xxi</sup> The joint protocols must specify whether prior consultation with the collaborating physician is required to prescribe a controlled dangerous substance.<sup>xxii</sup>

The physician must be present or readily available through electronic communications,<sup>xxiii</sup> and the collaborating physician and APN must review the charts and records of patients treated by the APN.<sup>xxiv</sup> The collaborating physician and APN must review, update, and sign the joint protocols at least once a year.<sup>xxv</sup> In order to practice in an inpatient setting, the APN must complete six contact hours of continuing education, related to controlled substances in addition to other pharmacological education requirements.<sup>xxvi</sup> Possible courses include pharmacologic therapy and addiction prevention and management. An APN may prescribe medication and therapeutic devices in an inpatient setting,<sup>xxvii</sup> as well as all other medical settings.<sup>xxviii</sup>

**Exhibit  
5.a**



**State of New Jersey**  
DEPARTMENT OF THE TREASURY  
DIVISION OF ADMINISTRATION  
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JON S. CORZINE  
*Governor*

MICHELLENE DAVIS  
*Acting State Treasurer*

November 2, 2007

Superintendents, Directors of Special Services,  
and SEMI Coordinators of New Jersey  
Local Education Agencies (LEAs)

**Re: Important Reminder Regarding SEMI Program Requirements**

First, I would like to thank you all for your participation in the Special Education Medicaid Initiative (SEMI) program. Please know that all of your efforts are greatly appreciated and that your continued support and full participation are very important to the success of this initiative.

The SEMI program provides the LEAs and the State of New Jersey a source of revenue through federal Medicaid Title XIX funds. While it is very important to maximize revenue within the program, it is equally important to maintain the necessary documentation to support all claims submitted for reimbursement. This letter serves as a reminder of the key components of compliance with the documentation and record retention requirements.

**Record Retention** - All of the supporting documentation for a Medicaid claim must be kept on file **at least seven (7) years from the date of service**. This includes provider certifications, provider service logs, physician authorizations (nursing services only), parental consent forms, attendance records, and copies of the student's IEP. While this information may be kept in separate departments within the district, it is vital that the district be able to retrieve and submit copies of all aforementioned documents in the event of an audit or state review. Each district that participates in the SEMI program should review their internal policy on record retention and make the necessary adjustments to meet Medicaid requirements.

Please note that services entered into EasyTRAC™ by providers meet the service log requirement and a separate paper copy need not be kept.

**IEP Documentation - Related Services and Evaluations** - Any direct service (therapy service) submitted to Medicaid for reimbursement **must be prescribed in the related services section of the student's IEP**. This includes nursing services such as medication administration. At a minimum the district should maintain the cover page/signature page, related services section, and the evaluations and assessments prescribing the related service(s).

**Provider Certifications** - Any service submitted to Medicaid for reimbursement must be rendered by a Medicaid qualified practitioner, or rendered by a provider under the supervision of a Medicaid qualified practitioner. **It is very important to note that Medicaid requirements differ from Department of Education standards.** The following briefly outlines the required documentation for each related service provider:

- Nurses – copy of license (DOE certification is NOT required)
- Occupational Therapist – copy of license and DOE certification
- Physical Therapist – copy of license and DOE certification
- Psychologist – copy of DOE certification
- Social Worker – copy of DOE certification
- Speech Therapist – copy of license, DOE certification, and ASHA certification OR Masters degree received in Speech Pathology on or after January 1, 1993

The district must maintain on file current and historical certifications for each provider.

For a complete listing of SEMI program requirements, the district should continue to reference the SEMI Provider Handbook located on the district's EasyTRAC™ website and the SEMI/MAC website at <http://www.state.nj.us/treasury/administration/SemiMac.htm>. Again, please note that these are Medicaid requirements and they must be adhered to if the district is participating in the SEMI program.

If you have any additional questions regarding the SEMI program requirements, please contact the state contracted vendor, Public Consulting Group, Inc., at (877) 404-1399.

Your cooperation is greatly appreciated.

Sincerely,



Albertha Hyché, Manager  
Special Administrative Services

c: Charles Chianese, Associate Deputy State Treasurer  
Lucille Davy, DOE Commissioner  
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