

Brick Township Board of Education District Policy Manual

Instructional Program

Series 6000

Special Education Medicaid Initiative Program (SEMI)

Policy 6171.6 [M]

Date Adopted: July 28, 2016

Date Revised:

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Date Reviewed: 1st Reading June 30, 2016; 2nd Reading July 28, 2016

The Board of Education directs the Board Secretary/Business Administrator to oversee and ensure that appropriate steps are taken to maximize its revenue from the Special Education Medicaid Initiative Program (SEMI) by following the policies and procedures as set forth in this policy.

However, the Board of Education also directs that the Board Secretary/Business Administrator may seek, in the prebudget year, a waiver of the requirements of NJAC 6A:23A-5.3 upon demonstration that for the subsequent school year:

- The district projects, based on reliable evidence, that it will have 40 or fewer Medicaid eligible classified students; or
- The district demonstrates that efforts to participate in SEMI would not provide a cost benefit to the district, based on the projection of the district's available SEMI reimbursement for the budget year as set forth in below.

The waiver request must be submitted to the Executive County Superintendent by the date stipulated by law and the Executive County Superintendent shall promptly review the request and render a decision by the date specified by law. If the waiver is not granted, the district shall submit a SEMI action plan to the Executive County Superintendent as required as part of its annual district budget submission or demonstrate to the Executive County Superintendent that the district has achieved maximum participation in the SEMI program in the prebudget year.

As part of the annual budget information, the New Jersey Department of Education shall provide the district with a projection of available SEMI reimbursement for the budget year, as determined by the New Jersey State Department of Treasury's third party administrator for SEMI. The projection shall be based on the following:

- Number of Medicaid eligible students;
- Assumption of 20 services per eligible students per year;
- One IEP meeting per eligible student per year; and,
- Applicable SEMI reimbursement rates.

The district shall recognize as revenue in its annual district budget no less than 90 percent of said projection.

The district may seek approval from the Executive County Superintendent to use its own projection of SEMI reimbursement upon demonstration that the numbers it used in calculating the projection are more accurate than the projection provided.

The district shall strive to achieve maximum participation in the SEMI program. For purposes of this section, "maximum participation" means obtaining a 90 percent return rate of parental/legal guardian consent forms for all SEMI eligible students and the district shall enter all students

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following their evaluations into the third-party system to identify the district's universe of eligible students. This can be done without parental/legal guardian consent.

When participating in the SEMI reimbursement program, the district shall comply with program requirements as follows:

- Any service submitted to Medicaid for reimbursement shall be rendered by a Medicaid qualified practitioner, or rendered by a provider under the supervision of a Medicaid qualified practitioner. The following outlines the required documentation for each related service provider:
 - A. Nurses – copy of license (DOE certification is not required for SEMI)
 - B. Occupational Therapist – copy of license and DOE certification
 - C. Physical Therapist – copy of license and DOE certification
 - D. Psychologist – copy of DOE certification
 - E. Social Worker – copy of DOE certification
 - F. Speech Therapist – copy of license, DOE certification, and ASHA certification or Masters Degree in Speech Pathology on or after January 1, 1993.
- Practitioners who are not Medicaid qualified can deliver services under the direction of Medicaid qualified practitioners. These include certified occupational therapist assistants (COTAs), physical therapist assistants (PTAs) and speech correctionists.
- Any direct therapy or other related service shall be prescribed in the related services section of the student's IEP prior to submitting a claim to Medicaid for reimbursement. Delivery of nursing services and dispensing of medication must be referenced in the IEP and supported by physicians' orders or prescriptions. These documents must be maintained on file. Supporting documentation to be maintained by the district shall be the cover/signature page, related services section of the IEP, therapy logs, and the evaluations and assessments conducted by the Medicaid-qualified practitioners.
- Entities where the district has placed SEMI eligible students shall take steps to enable districts to maximize participation, including either logging the eligible services provided directly through the vendor or the sending district, as mutually agreed upon with the district, and obtaining SEMI provider qualification certifications. Every out-of-district placement must provide copies of SEMI provider qualifications, certifications and licenses. This rule applies to the following out-of-district placement options:
 - A. Approved Private Schools for Students with Disabilities;
 - B. Educational services commissions;
 - C. Jointure commissions;
 - D. Vocational half-time programs;
 - E. Department of Education Regional Day Schools; and,
 - F. Special Service School Districts.
- All supporting documentation for a Medicaid claim shall be maintained on file and available for audit or State review for at least seven years from the date of service. Supporting documentation shall include provider certification (current and historical for

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each provider), provider service logs, licenses and certifications, physician authorizations for nursing services, parental/legal guardian consent forms, attendance records, and copies of the student IEP.

If the district has less than 90 percent participation of SEMI eligible students in the 2007-2008 school year or has failed to comply with all program requirements set forth above, the district shall demonstrate a good faith effort to achieve maximum participation and to maximize available SEMI revenue during the 2008-2009 school year by submitting a SEMI action plan to the Executive County Superintendent for review and approval by September 1, 2008. In subsequent years, each district that has less than 90 percent participation of SEMI eligible students in the prebudget year or that has failed to comply with all program requirements set forth above shall submit a SEMI action plan to the Executive County Superintendent for review and approval as part of the district's proposed budget submission.

The SEMI action plan shall include the following components:

- Procedures for obtaining parental/legal guardian consent forms including the Parental/Legal Guardian Consent Best Practices which are available from the Department.
- Establishment of a benchmark for the 2008-09 school year or for the first year that the district does not have an approved waiver pursuant to the provisions of (b) above, whichever is applicable, for obtaining maximum participation of all SEMI eligible students by the start of the subsequent school year.

The benchmarks for the 2008-09 school year or for the first year that the district does not have an approved waiver, whichever is applicable, for achieving maximum participation shall at a minimum close the gap between current participation and maximum participation by 50 percent by the beginning of the subsequent school year.

The benchmarks shall be based on the percentage of parental/legal guardian consent forms collected from eligible students. The number of parental/legal guardian consent forms shall reflect one parental/legal guardian consent form for each eligible student. This should include documentation of parental/legal guardian refusal to give consent.

Procedures to ensure that all IEP meetings are documented in the third-party administrator's system. IEPs are only claimable if a Medicaid qualified practitioner is present.

Procedures to ensure that all SEMI eligible services, including services provided by entities where the district has placed SEMI eligible students, are documented in the third-party administrator's system.

Procedures to ensure that a valid IEP is on file and the IEP date is on file in the third-party administrator's system for each SEMI eligible student for whom parental/legal guardian consent has been obtained.

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Procedures to ensure that service providers used by the district and entities where the district has placed SEMI eligible students have valid licenses and certifications documenting SEMI provider qualifications on file in the third-party administrator's system.

If the district did not achieve 90% participation or achieve its approved benchmarks in the SEMI program for a given budget year and cannot demonstrate that they fully implemented their Department approved SEMI action plan required above, the district shall be subject to review for the withholding of State aid by the Commissioner pursuant to NJSA 18A:55-3 in an amount equal to the SEMI revenue projection based on their approved benchmark for the budget year, if applicable, less actual SEMI reimbursements for the budget year. The State aid deduction shall be made in the second subsequent year after the budget year.

Legal References

NJSA 18A:55-3 School districts, conditions for receipt of State aid; efficiency standards

NJAC 6A:23A-5.3 Accountability Regulation