



NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES
MEDICAID TO SCHOOLS INFORMATIONAL BULLETIN

Reference Number	2021-02
Authorized by	Henry Lipman, Medicaid Director
Division/Office/Bureau	Division of Medicaid Services
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Effective Date	Immediately
Subject	Rehabilitative Assistance Services
Description	Responses to questions received from billing agents and school districts

OVERVIEW

The Department receives questions via the Medicaid to Schools (MTS) dedicated email address (MTS@dhhs.nh.gov), and this informational bulletin provides the Department’s response to those questions. Previous guidance documents are posted on the DHHS website at <https://www.dhhs.nh.gov/ombp/medicaid/mts/index.htm> under the Communication and Guidance link.

Questions

1. *Can rehabilitative assistants apply to Medicaid to become a non-billing provider even if they do not have a license? Or will they always have to be checked manually via the Office of the Inspector General (OIG) list?*

Response: No. Rehabilitative assistants may not apply for Medicaid provider status. School districts must check the OIG database for any identified sanctions for all non-enrolled Medicaid providers, including rehabilitative assistants.

2. *Can a guidance counselor bill as a rehabilitative assistant?*

Response: An individual who is a guidance counselor cannot bill as a rehabilitative assistant unless that individual is acting as a rehabilitative assistant and providing rehabilitative assistance services pursuant to He-W 589.04(af)-(aj). [See He-W 589.05(h)(2) & (t).] A guidance counselor is not a recognized Medicaid treatment provider. Guidance counselor services may not be billed as a Medicaid service. However, if the individual, who is a guidance counselor, is employed from time to time as a rehabilitative assistant in accordance with He-W 589.04(ag) and performs

rehabilitative assistance services in accordance with He-W 589.04(af), then those services may be billed and reimbursed at the rehabilitative assistant rate.

3. *If a rehabilitative assistant is supporting a student with health-related needs (such as helping to bridge the gap with communication, i.e., carry-over speech tasks), is that billable service?*

Response: Yes. Rehabilitative assistance services include carry-over tasks. Carry-over tasks are billable if ordered by a licensed clinician as medically necessary services and part of an IEP or Section 504 or health care plan.

We have received questions on the oversight of rehabilitative assistant services. Who orders? Who supervises? Who signs off? May a professional supervise and review/signoff on the work a rehabilitative assistant does if the service is outside the professional's scope of practice?

4. *Who Orders?*

Response: Only licensed clinicians may order MTS services and those service orders must fall within the ordering clinician's scope of practice.

As individual care plans often include an array of multi-disciplinary, rehabilitative assistance services, schools may have different approaches to orders. The school may find it simpler to obtain one order from a physician, physician's assistant, or APRN, given the broad scope of practice of these clinicians. Or a school may obtain multiple orders from multiple licensed clinicians (e.g., physical therapist, speech therapist, occupational therapist, psychologist etc.), each ordering only those services that fall within their more limited scope of practice.

In any instance where rehabilitative assistance is offered as a single-discipline service, such as behavior management ordered by a psychologist or physical therapy ordered by a physical therapist, that provider may, within the scope of his or her practice, provide the order for the rehabilitative assistant or paraprofessional.

For additional information on scope of practice, see the Office of Professional Licensure and Certification's Medicaid to Schools Policy Guidance document SFY 2020-01 available at: <https://www.oplc.nh.gov/documents/medicaid-to-school-policy.pdf>

5. *Who Supervises?*

Response: As to who can supervise the services provided by a rehabilitative assistant, The Department in the SFY 2020-07 informational bulletin offered the following: "[t]he IEP/504/health care team needs to identify and designate a licensed clinician who will be responsible for oversight of the medical components of the IEP/504/health care plan and the carry-over tasks delegated to the rehabilitative assistant." ***In other words, the individual supervising a rehabilitative assistant must be a licensed clinician.*** The administrative rule states the following at He-W 589.04(aj)

“Provision of rehabilitative assistance services shall be reviewed by another licensed clinician designated by the enrolled school provider’s care plan team every 30 days. Such review shall include review of the activities performed by the rehabilitative assistant and the effectiveness of the activities as observed by the rehabilitative assistant. As part of the review, the care plan team designated licensed clinician shall sign the documentation of the service transaction logs to attest that the service was actually provided and shall provide review and signature that the activities have been conducted in accordance with the care plan.”

The Department has heard from various school districts and clinicians regarding repercussions on their licensure if they comply with He-W 589.04 (aj) as the "designated" licensed clinician supervising rehabilitative assistant services. These concerns relate to the fact that some rehabilitative assistants carry over the indicated treatment of multiple disciplines each day, some of which may be out of the scope of practice of the designated IEP/504/health care team member (licensed clinician) asked to supervise the rehabilitative assistant.

The decision for *how* to supervise a rehabilitative assistant is one that must be made on an individual basis and by each school district. Therefore, the task of defining the process for who supervises the services of a rehabilitative assistant is the responsibility of the school district.

The licensed clinician supervising does not have to be the person signing the service transaction logs (sometimes referred to as time in/time out logs). (see discussion below). However, if the person supervising is not signing the service transaction logs, then there must be detailed documentation in the student service records to indicate supervision review and sign off. This is required to ensure the services delivered are adequate, working, and do not need adjustment. This review and sign off must be done every 30 days.

6. *Who Reviews/Signs-off*

Response: The sign-off, or review of, the rehabilitative assistant’s service transaction logs (sometimes referred to as “time in/time out logs”) is an attestation that the services were provided and conducted in accordance with the IEP, Section 504 plan, or individual health care plan. ***Currently, the individual signing off on the log must be a licensed clinician.*** Again, the administrative rule states: “... As part of the review, the care plan team designated licensed clinician shall sign the documentation of the service transaction logs to attest that the service was actually provided and shall provide review and signature that the activities have been conducted in accordance with the care plan.”

A note on case managers. Services that are provided under an IEP or Section 504 care plan and billed by schools to Medicaid are medically necessary services. A licensed clinician must supervise such services. Case managers are not licensed clinicians. Therefore, case managers may not supervise the rehabilitative assistants. At this time, the case manager may also not sign off on rehabilitative assistance service logs.

Documentation Provided by the Rehabilitative Assistant

The rehabilitative assistant must document their work in the student service record. Further information about documentation requirements are forthcoming.

7. *What are acceptable co-signatures for rehabilitative assistant logs when there are no licensed clinicians on the team providing related services to the student?*

Response: The Department understands that not all tasks performed by a rehabilitative assistant are medical. However, rehabilitative services billed to Medicaid must be medical services. Therefore, a licensed clinician must order the rehabilitative assistance medical services. Additionally, a licensed clinician must supervise the activities being performed by the rehabilitative assistant. This clinician may only supervise within the scope of their practice. Currently, the rule requires a licensed clinician to sign off on time in/time out. However, the Department is considering delinking supervision and sign off.

8. *Does the individual supervising the rehabilitative assistant need to be within “line of sight” in order to sign off on these activities? How often should the licensed clinician conduct a review?*

Response: The rehabilitative assistant does not need to be within line of sight of the supervisor 100 % of the time. The School District is responsible for developing a process as to how supervision occurs, in line with scope of practice standards for the clinician.

The supervising, licensed clinician needs to conduct a review every 30 days, or more frequently as needed. The clinician may determine that supervision is warranted more often based on the severity of the recipient’s functional limitation and the competency of the rehabilitative assistant. The licensed clinician must make a determination regarding the frequency of supervision on a case-by-case basis. Documentation of the supervision review must be part of the student’s record and should include:

- Planned date of the session
- Whether the session was held (if not, reason for cancellation)
- The type of contact i.e. face-to-face, observation, telephone call
- Areas covered i.e. duties and expectations, skills development
- If applicable, list of trainings completed within past 30 days
- Issues identified, if any, and action to be taken
- Date of next session
- Signature of the supervising licensed clinician and date

9. *Does the carry-over task of every discipline need to occur each day? We would assume that the frequency and duration of carryover activities would be at the discretion of the licensed clinician for each discipline.*

Response: Frequency and duration of provision of carryover tasks should be in accordance with the IEP, Section 504 plan, or individual health care plan which include medically necessary services. All changes in the student's functional capacity must be documented in updated amendments to the IEP, Section 504 plan, or individual health care plan.

10. Our school rotates rehabilitative assistants between students to promote generalization of student skills, among other rationale. At the time of the expected 30-day sign-off, which rehabilitative assistant would we sign off on for a given student - the one who worked with a student on the majority of school days that month? Or would we be required to sign off on multiple rehabilitative assistants for a single student's Medicaid reimbursement?

Response: Student specific review of rehabilitative assistant services must occur at least every 30 days by licensed clinician (within the scope of his/her practice). Schools should establish a process for this review that considers the above rehabilitative assistant rotation. Sign off on the service transaction logs should be student specific. We understand that many schools refer to service transaction logs as "time in/time out" logs.

11. Would it satisfy Medicaid requirements if the Speech/Language Professional were to meet with paraprofessionals as a group for 30 minutes once a month to discuss general information, but not specific students?

Response: No. This group meeting would not count towards monitoring, oversight, and supervision of the rehabilitative assistant because this meeting does not address the needs and progress of a specific student. This practice more clearly falls under training of the rehabilitative assistants.

12. May rehabilitative assistants deliver ABA services?

Response: Yes. Qualified individuals may deliver rehabilitative assistance services pursuant to He-W 589.04. The Department's understanding is that rehabilitative assistants currently carry out behavior treatment plans under the direction and supervision of a school psychologist or a Board-Certified Behavior Analyst (BCBA) in the school setting. Assuming so, these services will be reimbursable if there is a medical component, a valid order, and the service is in the student's IEP, 504 plan, or healthcare plan.

An informational bulletin on ABA services in the school setting will be forthcoming.

13. Will the Department provide training for rehabilitative assistant to become registered behavior technicians (RBTs)?

Response: No. The Department is unable to provide training for a rehabilitative assistant to become an RBT.

Revision History

Activity Date	Version	Description of Activity	Author	Approved By
12/4/2020	Final	Questions and Responses	J.Hybsch	H.Lipman