

CHAPTER 25-000 SPECIAL EDUCATION SCHOOL-BASED SERVICES: This chapter provides for a statewide billing system for accessing federal Medicaid funds for special education services provided by school districts, as authorized by Neb. Rev. Stat. § 43-2511. To be eligible for Medicaid payment, services must be provided in accordance with all regulations and statutes relating to the provision of approved services and the licensure, certification, and registration of therapists, therapy/therapist assistants, and aides/paraprofessionals, including:

1. The Uniform Licensing Law (Neb. Rev. Stat. §§ 71-101 to 71-1,107.30, 71-1,133 to 71-1,338, 71-1,343 to 71-1,361, 71-1301 to 71-1354, and 71-2801 to 71-2823);
2. The Occupational Therapy Practice Act (Neb. Rev. Stat. §§ 71-6101 to 71-6123);
3. The Physical Therapy Practice Act (Neb. Rev. Stat. §§ 71-1,362 to 71-1,389);
4. Neb. Rev. Stat. §§ 71-1,186 to 71-1,196, known as the Audiology and Speech-Language Pathology Practice Act;
5. Regulations for Certificate Endorsements, Title 92 Chapter 24 of the Nebraska Administrative Code (NAC);
6. Regulations and Standards for Special Education Programs, 92 NAC 51; and
7. Regulations for the Approval of Teacher Education Programs, 92 NAC 20.

25-001 Standards for Participation: To participate in the Nebraska Medical Assistance Program (NMAP/Medicaid), the "Pay-to Provider" must be a recognized public school district of the State of Nebraska and enrolled in accordance with 471 NAC 25-002. Each therapist, therapist assistant, or aide/paraprofessional providing Special Education School-Based Services must also meet the following criteria.

25-001.01 Occupational Therapist: An occupational therapist providing services in Nebraska must be licensed by the Nebraska Department of Health and Human Services Regulation and Licensure (HHS R&L) in accordance with all regulations and statutes relating to the licensure of occupational therapists.

25-001.01A Occupational Therapy Assistant: If services are provided by an occupational therapy assistant under the supervision of a licensed occupational therapist, the occupational therapy assistant must be licensed by HHS R&L in accordance with all regulations and statutes relating to the licensure of occupational therapy assistants.

25-001.02 Physical Therapist: A physical therapist providing services in Nebraska must be licensed by HHS R&L in accordance with all regulations and statutes relating to the licensure of physical therapists.

25.001.02A Physical Therapist Assistant: If services are provided by a physical therapist assistant under the supervision of a licensed physical therapist, the physical therapist assistant must be certified by HHS R&L in accordance with all regulations and statutes relating to the certification of physical therapist assistants.

25-001.03 Audiologist and Speech-Language Pathologist: An audiologist or speech-language pathologist providing services in Nebraska must be licensed by HHS R&L or certified by the Nebraska Department of Education in accordance with all regulations and statutes relating to the licensure or certification of audiologists and speech-language pathologists.

25-001.03A Communication Assistant/Audiology Assistant (AA)/Speech-Language Pathology Assistant (SLPA): If services are provided by a communication assistant/AA/SLPA under the supervision of a licensed audiologist or speech-language pathologist, the communication assistant/AA/SLPA must be registered by HHS R&L in accordance with all regulations and statutes relating to the registration of communication assistants/AA's/SLPA's.

25-001.04 Personal Assistance/Care Services Aide/Paraprofessional: A motor activity paraprofessional, speech language technician, (occupational, physical, or speech-language) therapy aide, or other paraprofessional providing therapy-related personal assistance services related to the above listed therapies not licensed, certified or registered as outlined above must provide services in accordance with the provisions of the "Regulations and Standards for Special Education Programs" in 92 NAC 51 and all regulations and statutes governing the discipline for which the aide/paraprofessional is functioning.

25-001.05 Therapists Providing Services in Another State: Consideration will be given for an occupational therapist, physical therapist, or audiologist/speech-language pathologist providing services in another state to a Nebraska resident child/student. The therapist must be in good standing with and duly licensed by the licensing agency of the state where services are provided. However, information required of any therapist must be included with that of each enrolled public school district (Pay-to Provider) as outlined in 471 NAC 25-002.

25-002 Provider Enrollment: To be enrolled for participation in the Nebraska Medical Assistance Program, a public school district must submit a signed and completed Form MC-19, "Medical Assistance Provider Agreement" (see 471-000-90) to be approved for provider enrollment by the Nebraska Department of Health and Human Services Finance and Support Claims Processing – Provider Enrollment Unit.

25-002.01 Service Rendering Provider: Completed Medical Assistance Provider Agreements must include the name, social security number, and license number of all licensed therapists (service rendering providers) who provide Special Education School-Based Services or who are responsible for the supervision of licensed, certified, or registered therapist assistants providing therapy services.

25-003 Definition of Covered Services: The Nebraska Medical Assistance Program (NMAP/Medicaid) covers Special Education School-Based Services under this chapter for individuals when services are provided in accordance with all regulations and statutes governing the provision of Special Education School-Based Services to resident children of the State of Nebraska and the following criteria are met.

25-003.01 Provision of Special Education School-Based Services: All Special Education School-Based Services covered under this chapter must be necessary to meet the unique needs of the child/student and family and recommended as:

1. A related service or supplementary aid/service (92 NAC 51-007.05B3) in an Individual Education Program (IEP); OR

2. An early intervention service (92 NAC 51-007.10B4) in an Individualized Family Service Plan (IFSP);

25-003.01A All occupational therapy, physical therapy, and audiology/speech-language pathology must be provided in accordance with all regulations and statutes governing the provision of occupational therapy, physical therapy, and audiology/speech-language pathology in force at the time each discipline (therapy) is provided. Additionally, each therapy must be:

1. Referred or prescribed by a physician, physician's assistant, or certified nurse practitioner. If services are referred or prescribed by a physician's assistant, corresponding claims must include the license number of the supervising physician to whom the referring/prescribing physician's assistant is assisting; and
2. Provided by or under the supervision of a licensed therapist as applicable according to all regulations and statutes governing the provision of the Special Education School-Based Services.

25-003.02 Personal Assistance/Care Services: Personal assistance/care services provided in conjunction with occupational therapy, physical therapy, and audiology/speech-language pathology outlined above but provided by a motor activity paraprofessional, (occupational, physical, or audiology/speech-language) therapy aide, speech language technician, personal assistant, or other paraprofessional, in addition to the applicable requirements listed above, must be provided "under the direction" of a licensed therapist meeting the requirements outlined in 471 NAC 25-001.01, 25-001.02, and 25-001.03 respectively for the therapy/discipline indicated. "Under the direction of" means a licensed therapist actively participated in the development and periodic reevaluation and/or review of procedures for screening, diagnosis, or corrective services for eligible students through the development of the:

1. Student Assistance Team (SAT);
2. Multidisciplinary Team (MDT);
3. Individual Education Program (IEP) or;
4. Individualized Family Service Plan (IFSP).

25-004 Billing Requirements: The public school district (Pay-to Provider) must bill for Special Education School-Based Services using the appropriate MIPS Claim Form. Separate claims must be submitted for each month for each type of service (OT, PT, or ST) provided for each client/student.

25-004.01 Service Rendering Provider: When services are provided by a licensed therapist or licensed therapy assistant, MIPS claims must include the Social Security Number (SSN) of the individual therapist (service rendering provider) assuming responsibility for the service(s) provided. When only personal assistance/care services are included in the claim, an SSN is not required.

25-005 Establishing Payment Rates: Reimbursement rates for Medicaid covered services provided to students in accordance with all regulations and statutes governing the provision of Special Education School-Based Services are established for each of the following:

1. Occupational Therapy Services;
2. Physical Therapy Services;
3. Speech and Language Therapy/Audiology Services; and
4. Personal Assistance/Care Services.

Rates for each of the above listed services are established as provided in the Nebraska State Medicaid Plan on the basis of the actual cost to public school districts in each of the following areas, respectively:

1. Omaha Public Schools (Douglas County School District #001); and
2. Lincoln Public Schools (Lancaster County School District #001); and
3. All other public school districts in Nebraska (average aggregate cost of each of the services listed above).

These rates are established based on the Department's review of costs that are consistent with efficiency, economy, and quality of care. The State's review and update of these rates will consider cost information related to therapists' salaries and benefits; support materials and supplies; travel; and indirect costs. The principles and standards for determining reasonable and adequate costs associated with the provision of services are outlined in the Office of Management and Budget (OMB) Circular A-87, "Cost Principles for State and Local Governments".