

REGULATION

UNION COUNTY
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R6111 SPECIAL EDUCATION MEDICAID INITIATIVE (SEMI) PROGRAM

Every New Jersey school district, with the exception of any district that obtains a waiver of the requirements ~~at~~ of N.J.A.C. 6A:23A-5.3(b) ~~pursuant to the procedures set forth at N.J.A.C. 6A:23A-5.3(b)~~ **and A. below**, shall take appropriate steps to maximize its revenue from the Special Education Medicaid Initiative (SEMI) Program by following **the** policies and procedures to maximize participation in the program ~~at as set forth in~~ N.J.A.C. 6A:23A-5.3(d) **and C.1. below** and to comply with all program requirements ~~at as set forth in~~ N.J.A.C. 6A:23A-5.3(e) **and C.2. below**.

A. Waiver

1. The school district may seek, in the prebudget year, a waiver of the requirements of N.J.A.C. 6A:23A-5.3, **Policy 6111, and this Regulation** upon demonstration that for the subsequent school year: **the district projects, based on reliable evidence, that it will have forty or fewer Medicaid-eligible classified students.**
 - a. **The application for a waiver of the requirements of N.J.A.C. 6A:23A-5.3, Policy 6111, and this Regulation shall be made to the Executive County Superintendent no less than forty-five days prior to the submission of the district's proposed budget for the school year to which the waiver request applies. The Executive County Superintendent shall notify the district of the decision on the waiver application within twenty days of receipt of the waiver request. If the waiver is not granted, the district shall submit to the Executive County Superintendent a SEMI action plan required at N.J.A.C. 6A:23A-5.3(f) and D. below as part of its annual district budget submission, or shall demonstrate to the Executive County Superintendent that the district has achieved maximum participation in the SEMI program in the prebudget year.**
 - ~~a. The district projects, based on reliable evidence, that it will have forty or fewer Medicaid-eligible classified pupils; or~~
 - ~~b. 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 N.J.A.C. 6A:23A-5.3 (e) and B. below.~~

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2. ~~The application for a waiver of the requirements of N.J.A.C. 6A:23A-5.3 shall be made to the Executive County Superintendent no less than forty five days prior to the submission of the district's proposed budget for the school year to which the waiver request applies. The Executive County Superintendent shall notify the district of the decision on the waiver application within twenty days of receipt of the waiver request. If the waiver is not granted, the district shall submit a SEMI action plan to the Executive County Superintendent as required by N.J.A.C. 6A:23A-5.3(f) as part of its annual school district budget submission or demonstrate to the Executive County Superintendent the district has achieved maximum participation in the SEMI program in the prebudget year.~~

B. Projection of Available SEMI Reimbursement

1. ~~As part of the annual budget information, the New Jersey Department of Education shall provide the each school district with a projection of available SEMI reimbursement for the budget year, as determined by the New Jersey State Department of the Treasury's third-party administrator for SEMI. The projection shall be based on the following:~~
 - a. ~~The district shall recognize as revenue in its annual school district budget no less than ninety percent of said projection.~~
 - b. ~~The district may seek approval from the Executive County Superintendent to use its own projection of SEMI reimbursement upon demonstration the numbers it used in calculating the projection are more accurate than the projection provided.~~
 - a. ~~Number of Medicaid eligible pupils;~~
 - b. ~~Assumption of twenty services per eligible pupils per year;~~
 - c. ~~One IEP meeting per eligible pupil per year; and~~
 - d. ~~Applicable SEMI reimbursement rates.~~
2. ~~Beginning with the 2009-2010 school year, the school district shall recognize as revenue in its annual school district budget no less than ninety percent of the projection of available SEMI reimbursement.~~

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~~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.~~

C. SEMI Program Requirements

1. The school district shall strive to achieve maximum participation in the SEMI program. **For the purpose of Policy 6111 and this Regulation, “mMaximum participation”** means obtaining a ninety percent return rate of parental consent forms for all SEMI-eligible students. Districts shall enter all students following their evaluations into the third-party system **as determined by the New Jersey Department of the Treasury** to identify the district’s universe of eligible students. This ~~may can~~ be done without parental consent.
2. **If the district participates** ~~Districts participating~~ in the SEMI reimbursement program, **the district** shall comply with program requirements as follows:
 - a. ~~The school~~ district shall implement Policy **6111** and **this Regulation 6111** concerning the effective and efficient administration of the SEMI reimbursement program consistent with the requirements of N.J.A.C. 6A:23A-5.3. **A complete listing of requirements and information are available at the SEMI/MAC website.**
 - b. 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:
 - (1) Nurses – copy of license (**educational services certificate issued by the State Board of Examiners** ~~DOE certification~~ is not required for SEMI);
 - (2) Occupational Therapist – copy of license and **educational services certificate issued by the State Board of Examiners** ~~DOE certification~~;

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- (3) Physical Therapist - copy of **educational services certificate issued by the State Board of Examiners** license and ~~DOE certification~~;
- (4) Psychologist – copy of **educational services certificate issued by the State Board of Examiners** ~~DOE certification~~;
- (5) Social Worker - copy of **educational services certificate issued by the State Board of Examiners** ~~DOE certification~~; and
- (6) ~~Speech-language Specialist Therapist copy of DOE certification and American Speech Language Hearing Association (ASHA) Certification or Copy of DOE certification and past or present license (on or after January 1, 1993); or copy of DOE certification and documentation that the equivalent educational requirements and work experience necessary for ASHA certification have been met.~~
 - (a) **Qualification and documentation for provision of evaluation services shall include:**
 - (i) **Copy of licensed physician’s orders, which shall be maintained with the student’s IEP; or**
 - (ii) **Copy of New Jersey license as a speech-language pathologist and educational services certificate with a speech-language specialist endorsement (N.J.A.C.6A:9B-14.6) for the individual whose signature appears on the IEP; or**
 - (iii) **Copy of documentation that identifies the referral of speech services included in or with the student’s IEP.**
 - (b) **Qualification for provision of related services shall include:**
 - (i) **Copy of educational services certificate or endorsement issued by the State Board of Examiners and an American Speech-Language-Hearing Association**

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(ASHA) Certificate of Clinical Competence;
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(ii) Copy of educational services certificate with a speech-language specialist endorsement and a valid license authorized by the State Audiology and Speech-Language Pathology Advisory Committee in accordance with N.J.S.A. 45:3B-1 et seq.

(7) Audiologist – copy of license issued by the State Audiology and Speech-Language Pathology Advisory Committee in accordance with N.J.S.A. 45:3B-1 et seq.

- c3. Practitioners who are not Medicaid qualified can deliver services under the direction of Medicaid qualified practitioners. **Practitioners who are not Medicaid qualified** These include **only** certified occupational therapist assistants (~~COTAs~~), physical therapist assistants, (~~PTAs~~) **and speech-language specialists who do not meet the qualifications at N.J.A.C. 6A:23A-5.3(e)2.vi(2)(A) or (B) and C.2.b.(6)(i) and C.2.b.(6)(ii) above, and licensed practical nurses ~~correctionists~~.**
- d4. Any direct therapy or other related service shall be prescribed in the related services section of the pupil's IEP prior to submitting a claim to Medicaid for reimbursement. Delivery of nursing services and dispensing of medication ~~shall must~~ be referenced in the IEP and supported by physicians' orders or prescriptions, ~~These which shall documents—must~~ be maintained on file. ~~The S~~Supporting documentation to be maintained by the ~~school~~ 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.
- e5. Entities where the school district has placed SEMI eligible pupils shall take steps to enable ~~school~~ districts to maximize participation, including either logging the eligible services provided directly through the **third-party system as determined by the New Jersey Department of the Treasury** ~~vendor~~ or the sending ~~school~~ district, as mutually agreed upon with the school district, and obtaining SEMI provider qualification certifications. Every out-of-district placement ~~shall must~~ provide copies of SEMI provider qualifications,

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certifications and licenses. ~~This provision~~ N.J.A.C. 6A:23A-5.3(e)5. applies to the following out-of-district placement options:

- ~~(1)a-~~ Approved private schools for pupils with disabilities;
- ~~(2)b-~~ Educational services commissions;
- ~~(3)e-~~ Jointure commissions;
- ~~(4)d-~~ Vocational half-time programs;
- ~~(5)e-~~ New Jersey Department of Education ~~r~~Regional ~~d~~Day ~~s~~Schools; and
- ~~(6)f-~~ County ~~s~~Special ~~s~~Service ~~s~~School ~~d~~Districts.

f. If the district does not have an approved waiver pursuant to N.J.A.C. 6A:23A-5.3(b) and A. above the district shall comply with the program requirements to assure the year-end cost settlement of SEMI claims is properly calculated with the standardized submission of quarterly and annual cost data, as well as staff pool lists transmitted directly through the third-party system as determined by the New Jersey Department of the Treasury.

h6. 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 each provider), provider service logs, licenses and/or **certificates issued by the Division of Consumer Affairs or the New Jersey Department of Education, as applicable;** ~~certifications;~~ physician authorizations for nursing services, parental consent forms; attendance records; and copies of the **students** ~~pupil's~~ IEP.

D. SEMI Action Plan

1. **If the A school district that has less than ninety percent participation of SEMI-eligible students in the prebudget year or that has failed to comply with all program requirements at set forth in N.J.A.C. 6A:23A-5.3(e) and C.2. above, the district shall submit a SEMI action plan to the Executive County Superintendent for review and approval as part of the school district's proposed budget submission.**

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2. The SEMI action plan shall include the following components:
 - a. Procedures for obtaining parental consent forms, **such as including** the Parental Consent Best Practices **that which** are available from the New Jersey Department of Education.
 - b. Establishment of a benchmark for the ~~2008-2009 school year~~ of **implementation** or for the first year the district does not have an approved waiver pursuant to ~~the provisions of~~ N.J.A.C. 6A:23A-5.3(b) **and A. above**, whichever is applicable, for obtaining maximum participation of all SEMI-eligible students by the start of the subsequent school year.:
 - (1) The benchmarks for the **first** ~~2008-2009 school year~~ of **implementation** or for the first year ~~that~~ the district does not have an approved waiver pursuant to N.J.A.C. 6A:23A-5.3(b) **and A. above**, whichever is applicable, for achieving maximum participation shall ~~at a minimum~~ **close, at a minimum**, the gap between current participation and maximum participation by fifty percent by the beginning of the subsequent school year; and
 - (2) The benchmarks shall be based on the percentage of parental consent forms collected from eligible students. The number of parental consent forms shall reflect one parental consent form **or one document noting parental refusal** for each eligible student; ~~This should include documentation of parental refusal to give consent.~~
 - c. Procedures to ensure ~~that~~ all IEP meetings are documented in the third-party administrator's system. IEPs are ~~only~~ claimable **only** if a Medicaid qualified practitioner is present **and it is documented that a health-related service is discussed**;
 - d. Procedures to ensure ~~that~~ all SEMI-eligible services, including services provided by entities where the ~~school~~ district has placed SEMI-eligible students, are documented in the third-party administrator's system;:-
 - e. 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

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SEMI-eligible student for whom parental consent has been obtained; **and**

- f. Procedures to ensure ~~that~~ service providers used by the school district and entities where the ~~school~~ district has placed **SEMI-eligible** students have valid licenses and certifications documenting SEMI provider qualifications on file in the third-party administrator's system.
3. **If the district does not achieve ninety percent participation, or does not achieve their approved benchmarks in the SEMI program for a given budget year and cannot demonstrate they fully implemented their New Jersey Department of Education-approved SEMI action plan required at N.J.A.C. 6A:23A-5.3(f) and (g) and D. above, the district shall be subject to review for the withholding of State aid by the Commissioner of Education, pursuant to N.J.S.A. 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.**
 4. **If the district does not meet the requirement of the cost-settlement components of SEMI, the district may be required to refund all or part of their SEMI reimbursements.**
- ~~E. Districts that did not achieve ninety percent participation or achieve their approved benchmarks in the SEMI program for a given budget year and cannot demonstrate they fully implemented their New Jersey Department of Education approved SEMI action plan required above shall be subject to review for the withholding of State aid by the Commissioner pursuant to N.J.S.A. 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.~~

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