



Items for Consideration for Waiver Requests and Alternate Revenue Projections

Purpose: This information is being provided to school districts to assist with the development of a request for waiver or submission of an alternate revenue projection in accordance with *N.J.A.C. 6A:23A-5.3*. This is the same information that will be used by the Executive County Superintendent to review waivers and alternate revenue projections. Please note that the district will have to provide documentation and/or reliable evidence for the items under each requirement, if applicable. A copy of the board resolution must be included with the submitted documents for a waiver request.

- 1. A district may obtain a waiver of the requirement to maximize SEMI participation if the projection provided by the New Jersey Department of Education (NJDOE) reflects that, for the subsequent school year, the district will have 40 or fewer Medicaid-eligible classified students.**
 - a. Based on the NJDOE's projections, the district will have 40 or fewer Medicaid-eligible classified students for the subsequent school year.
 - b. It is recommended that districts perform a cost benefit analysis, even if 40 or fewer students are projected, prior to submitting a waiver request.
- 2. Regarding an alternate revenue projection, a district may seek approval from the Executive County Superintendent to use its own projection of SEMI reimbursement rather than the revenue projection it received, upon demonstration that its numbers used in calculating the projections are more appropriate, given the district's student population and health-related services typically provided. Districts that obtain an approved alternate revenue projection are still required to participate in the SEMI program and must meet the approved alternate budgeted amount.**

The following may be considered reliable evidence:

- a. Students who are classified as eligible for special education and related services or eligible for speech-language services but **are not** receiving any of the Medicaid-eligible health-related services described below.

Criteria:

Districts may claim under SEMI when certain health-related services are delivered to Medicaid-eligible classified students. These related services must be documented in the student's Individualized Education Program (IEP) and EdPlan™ and provided by a Medicaid-qualified practitioner. Medicaid-eligible health-related services are limited to the following services:

- Audiology services;
- Nursing services;
- Occupational therapy;
- Physical therapy;
- Psychological counseling; and
- Speech therapy.

Attachment B

The following services are *not* claimable under SEMI: crisis intervention, guidance counseling, drug counseling/treatment, other similar services provided on an ad hoc basis and not specified in the IEP, education services and associated costs, therapy services not documented in IEPs, and services delivered on dates not covered by a valid IEP.

- b. Students who are classified as eligible for special education and related services or eligible for speech-language services but **are not** receiving Medicaid-eligible health-related services from a Medicaid-qualified practitioner.

Criteria:

A Medicaid-qualified practitioner is a/an:

- Audiologist licensed by the State Audiology and Speech-Language Pathology Advisory Committee.
 - Occupational therapist licensed by the Occupational Therapy Advisory Council and certified or endorsed by the Department of Education.
 - Physical therapist licensed by the State Board of Physical Therapy Examiners and certified or endorsed by the Department of Education.
 - Psychologist or social worker certified or endorsed by the Department of Education. Note: Counseling services provided by a guidance counselor are not claimable under SEMI.
 - Registered professional nurse (RN) licensed by the New Jersey Board of Nursing.
 - Speech therapist:
 - For evaluations - licensed by the State Audiology and Speech-Language Pathology Advisory Committee and certified or endorsed by the Department of Education.
 - For speech-language services - holds either a current Certificate of Clinical Competence by The American Speech-Language-Hearing Association (ASHA) or a current license issued by the State Audiology and Speech-Language Pathology Advisory Committee and certified or endorsed by the Department of Education.
- c. Students who are eligible for special education and related services for whom your district has received negative SEMI consent (not including “No Response”).

Criteria:

The district must have documentation to account for negative consent.

- 3. A local education agency (LEA) may claim for allowable health-related evaluation services – including initial evaluations, reevaluations, revisions/amendments, and annual reviews – only when health evaluations and assessments were completed and/or reviewed as part of the IEP development process and memorialized by documenting the date of the IEP meeting where a Medicaid-qualified practitioner was present. (Note: The State’s program rate structure is such that a bundled reimbursement rate is used for claiming allowable health-related evaluation service costs. The LEA memorializes the delivery of allowable health-related evaluation services by using the IEP meeting date, per the SEMI Provider Handbook.)**

- a. Initial evaluations, reevaluations, revisions/amendments, and annual review meetings that do not include a Medicaid-qualified practitioner are not claimable under the SEMI program.

Criteria:

The date of the IEP meeting memorializes that all individual evaluations are complete in preparing the student's IEP. Documenting the date of the IEP meeting constitutes the claimable health-related evaluation service. Health-related evaluation services that are conducted by a Learning Disabilities Teacher-Consultant are only claimable if another Medicaid-qualified practitioner is present at the meeting, and the meeting date is documented by the qualified provider in EdPlan™, if appropriate. Refer to 2(b) above for the definition of Medicaid-qualified practitioner.

4. A district may claim for health-related services provided by certified occupational therapy assistants (COTAs), licensed practical nurses (LPNs), physical therapy assistants (PTAs), or non-SEMI qualified speech-language specialists if they meet the “under the direction” requirements.

- a. The district does not have appropriately credentialed staff members to supervise those who are working “under the direction,” per the criteria indicated below:

Nursing – “Under the direction” services by a Licensed Practical Nurse (LPN) requires the supervision of a licensed Registered Nurse (RN) or otherwise legally authorized physician or dentist to sign the monthly related service documentation form or approve the logs of the non-SEMI qualified provider in EdPlan™.

Occupational therapy – “Supervision” means the responsible and direct involvement of a licensed occupational therapist for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan. The licensed occupational therapist must sign the monthly related service documentation form or approve the logs of the non-SEMI qualified provider in EdPlan™.

Physical therapy – “Direct supervision” means the physical therapy assistant is in the presence and under the supervision of a licensed physical therapist. The licensed physical therapist must sign the monthly related service documentation form or approve the logs of the non-SEMI qualified provider in EdPlan™.

Speech therapy – “Under the direction” means that the ASHA-certified or New Jersey licensed speech-language pathologist:

- Maintains responsibility for the services delivered;
- Sees the student, at least once, and periodically thereafter, as needed;
- Provides input into the type of care provided;
- Monitors treatment status after treatment has begun;
- Meets regularly with the staff being supervised; and
- Is available to the supervised staff.

The speech-language pathologist who is ASHA-certified or licensed must sign the monthly related service documentation form or approve the logs of the non-SEMI qualified provider in EdPlan™.

5. A district participating in SEMI cannot claim for related services provided to students who attend Special Services School Districts (SSSDs) or Department of Children and Families (DCF) campuses. For students attending SSSDs, the sending districts can claim for eligible evaluation services.

Attachment B

- a. A district can apply for an alternate revenue projection if there are students placed in a Special Services School District who receive their program at that placement. The district may request an alternate revenue projection for the health-related services the student receives at that placement. The reduction should only include the amount of reimbursement for the health-related services that would not be generated for those students.

More information on SEMI can be found on the Department of the Treasury's [State SEMI Website](#).

If you have questions or need assistance, please contact:

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