

DISTRICT SEMI WAIVER REVIEW CRITERIA

Purpose: This information is being provided to school districts to assist with the development of a request for waiver 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. 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 approving the waiver should be included with the waiver request.

1. Districts may obtain a waiver of the requirements to maximize SEMI participation upon demonstration that for the subsequent school year the district projects, based on reliable evidence, that it will have 30 or fewer Medicaid eligible classified students or that efforts to participate in SEMI would not provide a cost benefit to the district, based on the revenue projections provided by the department.

- a. Based on reliable evidence, the district will have 30 or fewer Medicaid eligible classified students for the subsequent school year.
- b. Efforts to participate in SEMI will not provide a cost benefit to the district, based on the revenue projections provided by the department.

(Note- Current reimbursement to the district is \$9.60 for eligible related services and \$276.00 for eligible IEP meetings.)

2. Districts 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 projections are more accurate.

- a. Special education students are not receiving the Medicaid eligible services described below.

Criteria:

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

- Physical Therapy
- Occupational therapy
- Speech therapy
- Psychological counseling
- Nursing services

The following services are not claimable under SEMI including but not limited to: 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 eligible for special education and related services or eligible for speech language services are not receiving Medicaid eligible services from a Medicaid qualified practitioner.

Criteria:

A Medicaid qualified practitioner is a:

- Physical therapist licensed by the State Board of Physical Therapy Examiners and certified or endorsed by the Department of Education.
- Occupational therapist licensed by the Occupational Therapy Advisory Council and certified or endorsed by the Department of Education.
- Speech therapist with a Master's Degree in speech pathology or licensed by American Speech and Hearing Association (ASHA) or with a Master's degree in speech pathology received after January 1, 1993 or holds a Certificate of Clinical Competence from ASHA, has completed the equivalent educational requirements and work experience necessary for ASHA certification. *Note- Speech correctionists are not considered to be Medicaid qualified practitioners but services delivered by those individuals may be eligible to claim if services are provided "under the direction of a Medicaid qualified practitioner described below.*
- 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.*
- A registered professional nurse (RN) licensed by the New Jersey Board of Nursing.

3. Districts may claim for evaluation services which include initial evaluations, reevaluations, and annual review meetings if the meeting is attended by at least one Medicaid-qualified practitioner.

- a. Initial evaluations, reevaluations and annual review meetings do not include a Medicaid-qualified practitioner.

Criteria:

Districts do not claim for individual evaluations provided to students. The date of the IEP meeting constitutes the claimable evaluation services. IEP meetings that are conducted by a learning disabilities teacher consultant are only claimable if another Medicaid qualified practitioner is present at the meeting. Refer to 2(b) for the definition of Medicaid qualified practitioner.

4. Districts may claim for services provided by physical therapy assistants (PTAs) certified occupational therapy assistants (COTAs), or speech correctionists if they meet the "under the direction requirements.

- a. The district does not have appropriately certified staff members to satisfy the "under the direction of" requirements.

Criteria:

Physical therapy-"Direct supervision" means the supervising physical therapist is present on-site and readily available to respond to any consequence regarding a student's treatment or reaction to treatment. The licensed physical therapist must sign the related service documentation form or document a monthly summary event in EasyTRAC™

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 related service documentation form or document a monthly summary event in EasyTRAC™.

Speech Therapy Services should be billed to Medicaid only if the services were provided under the direction of a licensed speech therapist who meets ASHA standards.

“Under the direction” means that the ASHA-certified or equivalent personnel:

- Maintains responsibility for the services delivered;
- Sees the student, at least, once;
- 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.

5. Districts participating in SEMI cannot claim for related services provided to students who attend a Special Service School Districts (SSSD) or Department of Human Services (DHS) campuses. For students who attend a SSSD, the sending district can claim for eligible IEP meetings.

- a. Some students attend a SSSD or DHS campuses and are only eligible to claim for evaluations.

More information on SEMI can be found at the following link:

<http://www.nj.gov/treasury/administration/Documents/SEMIHandbook.pdf>

For additional information, contact:

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