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CHAPTER 410

OREGON HEALTH AUTHORITY

HEALTH SYSTEMS DIVISION: MEDICAL ASSISTANCE PROGRAMS

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RULES:

410-133-0000, 410-133-0040, 410-133-0050, 410-133-0060, 410-133-0070, 410-133-0080, 410-133-0090, 410-133-0100, 410-133-0120, 410-133-0140, 410-133-0160, 410-133-0180, 410-133-0200, 410-133-0220, 410-133-0245, 410-133-0280, 410-133-0300, 410-133-0320, 410-133-0340

AMEND: 410-133-0000

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Explains the purpose for school-based health services OARs.

CHANGES TO RULE:

410-133-0000

Purpose ¶¶

~~(1) School-Based Health Services (SBHS) rules describe the Medicaid-covered services available to Medicaid-eligible students receiving health services on a fee-for-service basis when "Necessary and Appropriate" and within the limitations established by the Medical Assistance Program and these rules, consistent with the requirements of the Individuals with Disabilities Education Act (IDEA). These rules are to be used in conjunction with the General Rules governing the Health Systems Division, M: ¶¶~~

~~(a) Define Oregon's fee-for-service Medicaid program administered by the Oregon Health Authority (Authority) to reimburse publicly funded educational Assistance Programs (Division) (OAR 410 division 120) and the Oregon Health Plan (OHP) rules (OAR 410 division 141). The School-Based Health Services rules are also a user's manual designed to assist the Educational Agency (EA) in matching state and federal funds for provided in school settings to Oregon's Medicaid-eligible students with disabilities enrolled children or young adults. ¶¶~~

~~(2b) The Oregon Administrative Rules (OARs) in Chapter 581, division 15 for the Oregon Department of Education (ODE) outline Oregon's program to meet the federal provisions of the IDEA. These SBHS rules define Oregon's fee-for-service program to reimburse publicly funded education agencies for the health services provided under the IDEA to Oregon's Medicaid-eligible children. ¶¶~~

~~(3) The Department of Human Services (Department), The Oregon Health Authority (Authority), and ODE recognize the unique intent of health services provided for Define when Medicaid-covered services rendered to Medicaid-enrolled children or young adults in school settings are reimbursable to education agencies. ¶¶~~

~~(c) Define the reimbursement methodology for necessary and appropriate SBHS rendered to Medicaid-eligible students with disabilities in the special education setting. The School-Based Health Services rules address the health aspects of special-enrolled children or young adults in school settings.¶~~

~~(d) Cite and align with federal and state requirements and limitations for SBHS and Medication services that are covered-covered services when provided by Medicaid or the Children's Health Insurance Program (CHIP).¶~~

~~(4) The Authority endeavors to furnish School Medical (SM) providers with up-to-date bill-enrolled children or young adults in school settings, procedural information, and guidelines to keep pace with program changes and governmental requirements. The Authority does so by providing information on its website, including:¶~~

~~(A) Individuals with Disabilities Education Act (IDEA);¶~~

~~(5B) Enrolled School-Based Health Services providers are responsible to maintain current publications provided by the Authority and the Division and to comply with the OARs in effect on the date of service the health service is provided. Section 504 of the Rehabilitation Act of 1973;¶~~

~~(C) Title XIX and Title XXI of the Social Security Act;¶~~

~~(D) Oregon Revised Statutes; and¶~~

~~(6E) In order for the Authority to reimburse for health services provided in the school, the health services must be included as a covered service under the Oregon Health Plan (OHP). There is no benefit category in the Medicaid statute titled "school health services" or "early intervention services." These rules do not create a new category of health benefits for this fee-for-service program.¶~~

~~(7) These rules describe health services that are covered services for Medicaid-eligible students, which are authorized and provided consistent with these rules.¶~~

~~(8) Medicaid-eligible student Oregon Administrative Rules (OARs).¶~~

~~(2) These SBHS rules are to be used in conjunction with: ¶~~

~~(a) Medical Assistance Programs rules in OARs Chapter 410, Divisions 120 and 141;¶~~

~~(b) The Authority provider rules in OARs Chapter 943, Division 120; and¶~~

~~(c) Oregon Department of Education's (ODE) rules in OARs Chapter 581, Divisions 15, 21, and 22.¶~~

~~(3) Medicaid-enrolled children and young adults retain the ability to obtain services from any qualified Medicaid provider that undertakes to provide services to them. These rules do not require a Medicaid-eligible student-enrolled children and young adults to receive their health services solely from school medical providers. Statutory/Other Authority: ORS 413.042 Statutes/Other Implemented: ORS 414.065~~

RULE SUMMARY: Defines important and common terms used in school-based health services OARs.

CHANGES TO RULE:

410-133-0040

Definitions ¶¶

In addition to the definitions in OAR 410-120-0000, the following definitions apply to these rules:¶¶

- (1) "Adapted vehicle" means a vehicle specifically designed or modified to transport passengers with disabilities.¶¶
- (2) "Adequate recordkeeping" means in addition to General Rules OAR 410-120-0000, Definitions and 410-120-1360, Requirements for Financial, Clinical, and Other Records, documentation in the student's educational record and on the Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP) showing the necessary and appropriate health services provided to the student detailed in the School-Based Health Services (SBHS) administrative rules (410-133-0000 and 410-133-0320).¶¶
- (3) "Agent" means a third party or organization that contracts with a provider, allied agency, or Prepaid Health Plan (PHP) to perform designated services in order to facilitate a transaction or conduct other business functions on its behalf. Agents include billing agents, claims clearinghouses, vendors, billing services, service bureaus, and accounts receivable management firms. Agents may also be clinics, group practices, and facilities that submit billings on behalf of providers but the payment is made to a provider, including the following: an employer of a provider, if a provider is required as a condition of employment to turn over his fees to the employer; the facility in which the service is provided, if a provider has a contract under which the facility submits the claim; or a foundation, plan, or similar organization operating an organized health care delivery system, if a provider has a contract under which the organization submits the claim. Agents may also include electronic data transmission submitters.¶¶
- (4) "Assessment" means a process of obtaining information to determine if a student qualifies for or continues to qualify for the Division covered school-based health services.¶¶
- (5) "Assistive technology service" means services provided by medically qualified staff within the scope of practice under state law with training and expertise in the use of assistive technology (see 410-133-0080 Coverage and 410-133-0200 Not Covered Services in these rules).¶¶
- (6) "Audiologist" means a licensed audiologist within the scope of practice as defined by state or federal law who meet the standards of licensing or certification for the health service provided as described in OAR 410-133-0120 Medically Qualified Staff.¶¶
- (7) "Audiology" means assessment of children with hearing loss; determination of the range, nature, and degree of hearing loss, including the referral for medical or other professional attention for restoration or rehabilitation due to hearing disorders; provision of rehabilitative activities, such as language restoration or rehabilitation, auditory training, hearing evaluation and speech conversation, and determination of the child's need for individual amplification; obtaining and interpreting information; and coordinating care and integrating services relative to the student receiving services.¶¶
- (8) "Authority" means the Oregon Health Authority. (Please see General Rules 410-120-0000 Acronyms and Definitions.)¶¶
- (9) "Billing agent or billing service" means a third party or organization that contracts with a provider to perform designated services in order to facilitate an Electronic Data Interchange (EDI) transaction on behalf of the provider. Also see definition for Electronic Data Interchange (EDI) Submitter.¶¶
- (10) "Billing Provider (BP)" means a person, agent, business, corporation, clinic, group, institution, or other entity that submits claims to and receives payment from the Division on behalf of a performing provider and has been delegated the authority to obligate or act on behalf of the performing provider. (See the Department-wide Support Services (DWSS) administrative rules in, chapter 407, division 120 Provider Rules, and the Division's General Rules OAR 410-120-1260 and SBHS OAR 410-133-0140.)¶¶
- (11) "Billing time limit" means the period allowed to bill services to the Division, see General Rules OAR 410-120-1300, Timely Submission of Claims. In general, those rules require initial submission within 12 months of the date of service or 18 months for resubmission.¶¶
- (12) "Centers for Medicare and Medicaid Services (CMS)" means the federal regulatory agency for Medicaid programs.¶¶
- (13) "Certification." See "licensure."¶¶
- (14) "Children's Health Insurance Program (CHIP)" means a federal and state funded portion of the Oregon Health Plan (OHP) established by Title XXI of the Social Security Act and administered in Oregon by the Authority

and the Division.¶¶

(15) "Clinical Social Work Associate (CSWA)" means a person working toward Licensed Clinical Social Worker (LCSW) licensure in compliance with Division 20, Procedure for Certification of Clinical Social Work Associates and Licensing of Licensed Clinical Social Workers, OAR Chapter 877 division 020.¶¶

(16) "Coordinated care" means services directly related to covered school-based health services (SBHS) specified in the individualized education program (IEP) or individualized family service plan (IFSP), performed by medically qualified staff, and allowed under OAR 410-133-0080 Coverage to manage integration of those health services in an education setting. Coordinated care includes the following activities:¶¶

(a) Conference. The portion of a conference in a scheduled meeting between medically qualified staff and interested parties to develop, review, or revise components of school-based health services provided to a Medicaid-eligible student to establish, re-establish, or terminate a Medicaid-covered health service on a Medicaid-eligible student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP); or to develop, review, or revise components of a health service currently provided to a Medicaid-eligible student to determine whether or not those covered health services continue to meet the student's needs as specified on the student's IEP or IFSP;¶¶

(b) Consultation. Performed by medically qualified staff within the scope of practice providing technical assistance to or conferring with special education providers, physicians, and families to assist them in providing a covered health service for Medicaid-eligible students related to a specific health service and health service goals and objectives in the individualized education program (IEP) or individualized family service plan (IFSP);¶¶

(c) Physician coordinated care. Meeting or communication with a physician in reference to oversight of care and treatment provided for a health service specified on a Medicaid-eligible student's individualized education program (IEP) or individualized family service plan (IFSP).¶¶

(17) "Cost Determination" means the process of establishing an annual discipline fee (cost rate), based on the prior year actual audited costs, used by an EA for the purpose of billing for covered school-based health services (see 410-133-0245 Cost Determination and Payment in these rules).¶¶

(18) "Covered entity" means a health plan, health care clearing house, health care provider, or allied agency that transmits any health information in electronic form in connection with a transaction, including direct data entry (DDE), and that must comply with the National Provider Identifier (NPI) requirements of 45 CFR 162.402 through 162.414. When a school provides covered SBHS services in the normal course of business and bills Medicaid for reimbursed covered transactions electronically in connection with that health care such as electronic claims, it is then a covered entity and must comply with the HIPAA Administrative Simplification Rules for Transactions and Code sets and Identifiers with respect to its transactions.¶¶

(19) Data transmission means the transfer or exchange of data between the Department and a web portal or electronic data interchange (EDI) submitter by means of an information system that is compatible for that purpose and includes without limitation web portal, EDI, electronic remittance advice (ERA), or electronic media claims (EMC) transmissions.¶¶

(20) "Delegated Health Care Aide" means a non-licensed person trained and supervised by a licensed registered nurse (RN) or nurse practitioner (NP) to perform selected tasks of nursing care specific to the Medicaid-eligible student identified in the nursing plan of care pursuant to the Individualized Education Program/Individualized Family Service Plan (IEP/IFSP).¶¶

(21) "Delegation of nursing task" means a selected nursing task that is performed by an unlicensed person, trained and monitored by a licensed RN. Delegation and supervision of selected nursing tasks must comply with Oregon Administrative Rules (OARs), Oregon State Board of Nursing, chapter 851, divisions 45 and 47. A school medical (SM) provider must maintain documentation of the actual delegation, training, supervision, and provision of the nursing service billed to Medicaid.¶¶

(22) "Department" means the Department of Human Services established in OAR chapter 407, including any divisions, programs, and offices as may be established therein.¶¶

(23) "Diagnosis code" means as identified in the International Classification of Diseases 10th Revision, Clinical Modification (ICD-10-CM), the primary Diagnosis Code is shown in all billing claims, unless specifically excluded in individual Division provider rules. Where they exist, diagnosis codes shall be shown to the degree of specificity outlined in OAR 410-120-1280 Billing.¶¶

(24) "Direct services" means face-to-face delivery of health services by or under the direction of medically qualified staff who is the service provider to a Medicaid-eligible student.¶¶

(25) "Early Intervention/Early Childhood Special Education (EI/ECSE)": EI is a program designed to address the unique needs of a child age 0-3 years, and ECSE is a program for preschool children with a disability ages 3-5 years or eligible for Kindergarten.¶¶

(26) "Educational Agency (EA)" means for purposes of these rules, any public school, school district, Education Service District (ESD), state institution, or youth care center providing educational services to students, birth to age 21 through grade 12, that receives federal or state funds either directly or by contract or subcontract with the

Oregon Department of Education (ODE).¶¶

(27) "Education records" means those records, files, documents and other materials that contain information directly related to a student and maintained by an Education Agency (EA) or by a person acting for such EA as set forth in OAR 581-021-0220. (A school-based health services (SBHS) provider is required to keep and maintain supporting documentation for Medicaid reimbursed school-based health services for a period of seven years; this documentation is part of the student's education record but may be filed and kept separately by school health professionals.) See 410-133-0320 Documentation and Recordkeeping Requirements in these rules.¶¶

(28) "Education Service District (ESD)" means an education agency established to offer a resource pool of cost-effective, education-related, physical or mental health-related, state-mandated services to multiple local school districts within a geographic area described in ORS 334.010.¶¶

(29) "Electronic Data Interchange (EDI)" means the exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, using bulk transmission processes and other formats as the Department designates for EDI transactions. For purposes of these rules (OAR 407-120-0100 through 407-120-0200), EDI does not include electronic transmission by web portal.¶¶

(30) "EDI submitter" means an individual or an entity authorized to establish an electronic media connection with the Department to conduct an EDI transaction. An EDI submitter may be a trading partner or an agent of a trading partner. Also see definition for billing agent in these rules.¶¶

(31) "Electronic Verification System (EVS)" means eligibility information that have met the legal and technical specifications of the Division in order to offer eligibility information to enrolled providers.¶¶

(32) "Eligibility for special education services" means a determination by a designated education agency (EA) through a team that a child meets the eligibility criteria for early intervention (EI), early childhood special education (ECSE), or special education as defined in ORS 343 and OAR chapter 581, division 15.¶¶

(33) "Evaluation" means procedures performed by medically qualified staff to determine whether a Medicaid-eligible student is disabled and the nature and extent of the health services the student needs under the Individuals with Disabilities Education Act (IDEA) and in accordance with Oregon Department of Education OAR chapter 581 division 15. The Authority can only reimburse evaluations that establish, re-establish, or terminate a school-based health services (SBHS) covered health service on a Medicaid-eligible student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) under the Individuals with Disabilities Education Act (IDEA).¶¶

(34) "Federal Medical Assistance Percentage (FMAP)" means the percentage of federal matching dollars for qualified state medical assistance program expenditures.¶¶

(35) "Healthcare Common Procedure Coding System (HCPCS)" means a method for reporting health care professional services, procedures, and supplies. HCPCS consists of the Level I - American Medical Association's Physician's Current Procedural Terminology (CPT), Level II - National codes, and Level III - Local codes. The Division uses HCPCS codes. See General Rules (OAR 410-120-1280 Billing).¶¶

(36) "Health assessment plan (nursing)" means a systematic collection of data for the purpose of assessing a Medicaid-eligible student's health or illness status and actual or potential health care needs in the educational setting. It includes taking a nursing history and an appraisal of the student's health status through interview information from the family and information from the student's past health or medical record. A SBHS provider is required to keep and maintain the health assessment plan and supporting documentation for Medicaid reimbursed health services described in a Medicaid-eligible student's individualized education program (IEP) or individualized family service plan (IFSP) for a period of seven years as part of the student's education record, which may be filed and kept separately by school health professionals. (See 410-133-0320 Documentation and Recordkeeping Requirements.)¶¶

(37) "Health care practitioner" means a person licensed pursuant to state law to engage in the provision of health care services within the scope of the health care practitioner's license and certification standards established by their health licensing agency. Medical provider and health care practitioner are interchangeable terms. See Definition for medical provider in these rules.¶¶

(38) "Health Evidence Review Commission (HERC)" means a 13-member commission that is charged with reporting to the Governor the ranking of health benefits from most to least important and representing the comparable benefits of each service to the entire population to be served.¶¶

(39) "Health services" means medical evaluation services provided by a physician for diagnostic and evaluation purposes for a Medicaid-eligible student that is found eligible under the Individuals with Disabilities Education Act (IDEA) and leads to an established Individualized Education Program (IEP) or Individualized Family service Plan (IFSP), physical or mental health evaluations, and assessment or treatment performed by medically qualified staff to achieve the goals set forth in a Medicaid-eligible student's IEP or IFSP. A covered health service is one that is covered by the medical assistance program and is provided to enable the Medicaid-eligible student to benefit from a special education program (age 3-21) or to achieve developmental milestones in an early intervention program

(age 0-3). "Health services" are synonymous with "medical services" in these rules. To determine whether a health service specified on an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) is a covered School-Based Health Service (SBHS), see 410-133-0080 Coverage and 410-133-0200 Not Covered Services.¶¶

(40) "Health Systems Division, Medical Assistance Programs (Division)" means a division within the Oregon Health Authority (Authority). The Division is responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children's Health Insurance Program (SCHIP—Title XXI), and several other programs.¶¶

(41) "ID number" means a number issued by the Authority used to identify Medicaid-eligible students. This number may also be referred to as recipient identification number, prime number, client medical ID Number, or medical assistance program ID number.¶¶

(42) "Individuals with Disabilities Education Act (IDEA)" means the federal law ensuring the rights of children with disabilities to a "free and appropriate education" (FAPE).¶¶

(43) "Individualized Education Plan (IEP)" means a written statement of an educational program for a child with a disability that is developed, reviewed, or revised in a meeting in accordance with Oregon Department of Education OAR chapter 581, division 15. When an IEP is used as a prescription for Medicaid reimbursement for covered School-Based Health Services (SBHS), it must include type of health service, amount, and duration and frequency for the service provided. In order to bill Medicaid for covered health services, they must be delivered by or under the supervision of medically qualified staff and must be recommended by a physician or appropriate health care practitioner acting within the scope of practice. See the definition of medically qualified staff in this rule.¶¶

(44) "Individualized Family Service Plan (IFSP)" means a written plan of early childhood special education (ECSE) services, early intervention (EI) services, and other services developed in accordance with criteria established by the Oregon Department of Education (ODE) for each child (ages birth to 5 years) eligible for IFSP services. The plan is developed to meet the needs of a child with disabilities in accordance with requirements and definitions in OAR chapter 581, division 15. When an IFSP is used as a prescription for Medicaid reimbursement for SBHS covered services, it must include type of health service, amount, and duration and frequency for the service provided. In order to bill Medicaid for covered health services, they must be delivered by or under the supervision of medically qualified staff and must be recommended by a physician or health care practitioner within their scope of practice. See the definition of medically qualified staff in this rule.¶¶

(45) "Individualized Education Plan/Individualized Family Service Plan (IEP/IFSP) Team" means a group of teachers, specialists, and parents responsible for determining eligibility, and developing, reviewing, and revising an IEP or IFSP in compliance with the Oregon Department of Education (ODE) OAR chapter 581, division 15.¶¶

(46) "Licensed Clinical Social Worker (LCSW)" means a person licensed to practice clinical social work pursuant to state law.¶¶

(47) "Licensed Physical Therapist Assistant (LPTA)" means a person licensed to assist in the administration of physical therapy, solely under the supervision and direction of a physical therapist.¶¶

(48) "Licensed Practical Nurse (LPN)" means a person licensed to practice under the direction of a licensed professional within the scope of practice as defined by state law.¶¶

(49) "Licensure" means documentation from state agencies demonstrating that licensed or certified individuals are qualified to perform specific duties and a scope of services within a legal standard recognized by the licensing agency. In the context of health services, licensure refers to the standards applicable to health service providers by health licensing authorities. For health services provided in the State of Oregon, licensure refers to the standards established by the appropriate State of Oregon licensing agency.¶¶

(50) "Medicaid-eligible student" means the child or student who has been determined to be eligible for Medicaid health services by the Authority. For purposes of this rule, Medicaid-eligible student is synonymous with "recipient" or "Oregon Health Plan (OHP) client". For convenience, the term "student" used in these rules applies to both students covered by an Individualized Education Program (IEP) and children covered by an Individualized Family Service Plan (IFSP). Also, for purposes of this rule, students or children whose eligibility is based on the Children's Health Insurance Program (CHIP) shall be referred to as Medicaid-eligible students.¶¶

(51) "Medical Assistance Program" means a program for payment of health services provided to eligible Oregonians. Oregon's medical assistance program includes Medicaid services including the Oregon Health Plan (OHP) Medicaid Demonstration, and the Children's Health Insurance Program (CHIP). The Medical Assistance Program is administered by the Health Systems Division, Medical Assistance Programs (Division) of the Oregon Health Authority.¶¶

(52) "Medical Management Information System (MMIS)" means a data collection system for processing an integrated group of procedures and computer processing operations (subsystems) developed at the general design level to meet principal objectives. For Title XIX purposes, "systems mechanization" and "mechanized claims processing and information retrieval systems" is identified in section 1903(a)(3) of the Act and defined in

regulation at 42 CFR 433.111. The objectives of this system and its enhancements include the Title XIX program control and administrative costs; service to recipients, providers and inquiries; operations of claims control and computer capabilities; and management reporting for planning and control.¶¶

(53) "Medical provider" means an individual licensed by the state to provide health services within their governing body's definitions and respective scope of practice. Medical provider and health care practitioner are interchangeable terms.¶¶

(54) "Medical services" means the care and treatment provided by a licensed health care practitioner to prevent, diagnose, treat, correct, or address a medical problem, whether physical, mental, or emotional. For the purposes of these rules, this term shall be synonymous with health services or health-related services listed on an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP), as defined in OAR chapter 581, division 15. Not all health-related services listed on an IEP or IFSP are covered as SBHS. See 410-133-0080 Coverage and 410-133-0200 Not Covered Services.¶¶

(55) "Medical transportation" means specialized transportation in a vehicle adapted to meet the needs of passengers with disabilities transported to and from a SBHS covered service.¶¶

(56) "Medically qualified staff" means:¶¶

(a) Staff employed by or through contract with an EA; and¶¶

(b) Licensed by the state to provide health services in compliance with state law defining and governing the scope of practice, described further in OAR 410-133-0120.¶¶

(57) "Medication management" means a task performed only by medically qualified staff within the scope of practice, pursuant to a student's Individualized Education Program/Individualized Family Service Plan (IEP/IFSP), which involves administering medications, observing for side effects, and monitoring signs and symptoms for medication administration.¶¶

(58) "National Provider Identifier (NPI)" means a federally directed provider number mandated for use on Health Insurance Portability Accountability Act (HIPAA) covered transactions. Individuals, provider organizations, and subparts of provider organizations that meet the definition of health care provider (45 CFR 160.103) and who conduct HIPAA covered transactions electronically are eligible to apply for an NPI. Medicare covered entities are required to apply for an NPI.¶¶

(59) "Necessary and appropriate" health services mean those health services described in a Medicaid-eligible student's IEP or IFSP that are:¶¶

(a) Consistent with the symptoms of a health condition or treatment of a health condition;¶¶

(b) Appropriate regarding standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;¶¶

(c) Not solely for the convenience of the Medicaid-eligible student or provider of the service; and¶¶

(d) The most cost-effective of the alternative levels of health services that can safely be provided to a Medicaid-eligible student.¶¶

(60) "Nursing Diagnosis and Management Plan" means a written plan that describes a Medicaid-eligible student's actual and anticipated health conditions that are amenable to resolution by nursing intervention.¶¶

(61) "Nursing Plan of Care" means written guidelines that are made a part of and attached to the Individualized Education Program (IEP) or individualized Family Service Plan (IFSP) that identify specific health conditions of the Medicaid-eligible student and the nursing regimen that is "necessary and appropriate" for the student. Development and maintenance of this plan includes establishing student and nursing goals and identifying nursing interventions (including location, frequency, duration, and delegation of care) to meet the medical care objective identified in their IEP or IFSP. See Oregon State Board of Nursing Practice Act, Division 47. The SBHS provider is responsible for developing the nursing plan of care and is required to keep and maintain a copy of the nursing plan of care as supporting documentation for Medicaid reimbursed health services. (See definition "Education records.")¶¶

(62) "Nurse practitioner" means a person licensed as a registered nurse and certified by the Board of Nursing to practice as a nurse practitioner pursuant to state law.¶¶

(63) "Nursing services" means services provided by a nurse practitioner (NP), registered professional nurse (RN), a licensed practical nurse (LPN), or delegated health care aide within the scope of practice as defined by state law. Nursing services include preparation and maintenance of the health assessment plan; nursing diagnosis and management plan; nursing plan of care, consultation, and coordination; and integration of health service activities, as well as direct patient care and supervision.¶¶

(64) "Observation" means surveillance or visual monitoring performed by medically-qualified staff as part of an evaluation, assessment, direct service, or care coordination for a necessary and appropriate Medicaid-covered health service specified on a Medicaid-eligible student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) to better understand the child's medical needs and progress in their natural environment. An observation by itself is not billable.¶¶

(65) "Occupational therapist (OT)" means a person licensed by the state's Occupational Therapy Licensing

Board.¶¶

(66) "Occupational Therapist Assistant" means a person who is licensed as an occupational therapy assistant assisting in the practice of occupational therapy under the supervision of a licensed occupational therapist.¶¶

(67) "Occupational therapy" means assessing, improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation to improve the ability to perform tasks for independent functioning when functions are lost or impaired, preventing through early intervention initial or further impairment or loss of function. It also means obtaining and interpreting information, coordinating care, and integrating necessary and appropriate occupational therapy services relative to the Medicaid-eligible student.¶¶

(68) "Oregon Department of Education (ODE)" means the state agency that provides oversight to public educational agencies for ensuring compliance with federal and state laws relating to the provision of services required by the individuals with disabilities education act (IDEA).¶¶

(69) "Orientation and mobility training" mean services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environment in school, home, and community. These services are not covered under School-Based Health Services (SBHS). (See OAR 410-133-0200 Not Covered Services.)¶¶

(70) "Performing provider" means a person, agent, business, corporation, clinic, group, institution, or other entity that is the provider of a service or item with the authority to delegate fiduciary responsibilities to a billing provider, also termed billing agent, to obligate or act on the behalf of the performing provider regarding claim submissions, receivables, and payments relative to the Medical Assistance Program. For the purposes of these SBHS rules, the school medical (SM) provider is the performing provider.¶¶

(71) "Physical Therapist" means a person licensed by the relevant state licensing authority to practice physical therapy. (See OAR chapter 848, division 10 Licensed Physical Therapists and Licensed Physical Therapist Assistants; chapter 848 division 40 Minimum Standards for Physical Therapy Practice and Records.)¶¶

(72) "Physical Therapy" means assessing, preventing, or alleviating movement dysfunction and related functional problems, obtaining and interpreting information, and coordinating care and integrating necessary and appropriate physical therapy services relative to the student receiving treatments.¶¶

(73) "Prime Number" See definition of ID Number.¶¶

(74) "Prioritized List of Health Services" means the Oregon Health Evidence Review Commission's (HERC) prioritized list of health services with "expanded definitions" of ancillary services and preventative services and the HERC practice guidelines, as presented to the Oregon Legislative Assembly for the purpose of administering the Oregon Health Plan (OHP).¶¶

(75) "Procedure code." See definition of HCPC healthcare common procedure code.¶¶

(76) "Provider" means an individual, facility, institution, corporate entity, or other organization that supplies health care services or items, also termed a performing provider, or bills, obligates, and receives reimbursement on behalf of a performing provider of services, also termed a billing provider (BP). The term "Provider" refers to both performing providers and billing providers unless otherwise specified. Payment can only be made to Division-enrolled providers who have by signature on the provider enrollment forms and attachments agreed to provide services and to bill in accordance with General Rules OAR 410-120-1260 and the SBHS OAR 410-133-0140. If a provider submits claims electronically, the provider must become a trading partner with the Authority and comply with the requirements of the Electronic Data Interchange (EDI) rules pursuant to OAR Chapter 407 division 120.¶¶

(77) "Provider enrollment agreement" means an agreement between the provider and the Authority that sets forth the conditions for being enrolled as a provider with the Authority and to receive a provider number in order to submit claims for reimbursement for covered SBHS provided to Medicaid-eligible students. Payment can only be made to Division-enrolled providers who have by signature on the provider enrollment forms and program applicable attachments agreed to provide services and to bill in accordance with Provider Rules chapter 407, division 120 and the Division's General Rules chapter 410, division 120, and these SBHS rules. Also see definitions for Trading Partner and Trading Partner Agreement in these rules.¶¶

(78) "Psychiatrist" means a person licensed to practice medicine and surgery in the State of Oregon and possesses a valid license from the Oregon Medical Board.¶¶

(79) "Psychologist" means a person with a doctoral degree in psychology and licensed by the State Board of Psychologist Examiners. See 858-010-0010.¶¶

(80) "Psychologist Associate" means a person who does not possess a doctoral degree that is licensed by the Board of Psychologists Examiners to perform certain functions within the practice of psychology under the supervision of a psychologist. See 858-010-0037 through 858-010-0038. An exception would be psychologist associate with the authority to function without immediate supervision. See OAR 858-010-0039.¶¶

(81) "Record keeping requirements" means An SBHS SM provider is required to keep and maintain the supporting documentation in compliance with the respective medical provider's scope of practice and governing licensure or certification board requirements for Medicaid reimbursed health services described in a Medicaid-eligible

student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) for a period of seven years as part of the student's education record, which may be filed and kept separately by school health professionals. (See OAR 410-133-0320.)¶¶

(82) "Re-evaluation" means procedures used to measure a Medicaid-eligible student's health status compared to an initial or previous evaluation are focused on evaluation of progress toward current goals, modifying goals or treatment, or making a professional judgment to determine whether or not the student will continue to receive continued care for a covered service pursuant to an IEP or IFSP under the Individuals with Disabilities Education Act (IDEA). Continuous assessment of the student's progress as a component of ongoing therapy services is not billable as a re-evaluation.¶¶

(83) "Regional program" means regional program services provided on a multi-county basis under contract from the Oregon Department of Education (ODE) to eligible children (birth to 21) visually impaired, hearing impaired, deaf-blind, autistic, and severely orthopedically impaired. A regional program may be reimbursed for covered health services it provides to Medicaid-eligible students through the school medical (SM) provider (e.g., public school district or ESD) that administers the program.¶¶

(84) "Registered Nurse (RN)" means a person licensed and certified by the Oregon Board of Nursing to practice as a registered nurse pursuant to state law.¶¶

(85) "Rehabilitative services" means for purposes of the School-Based Health Services (SBHS) program any health service that is covered by the Medical Assistance Program and that is a medical, psychological, or remedial health service recommended by a physician or other licensed health care practitioner within the scope of practice under state law and provided to a Medicaid-eligible student pursuant to an Individualized Education Program/Individualized Family Service Plan (IEP/IFSP) under the Individuals with Disabilities Education Act (IDEA) that help the Medicaid-eligible student keep, learn, or improve skills and functioning, including reduction, correction, stabilization, or functioning improvement of physical or mental disability of a Medicaid-eligible student. (See 410-133-0060.)¶¶

(86) "Related services" means for purposes of this rule related services as listed on an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) and may include: transportation and such developmental, corrective, and other supportive services (e.g., speech language, audiology services, psychological services, physical therapy, occupational therapy, social work services in schools, and nursing services) as are required to assist a child or student with a disability to benefit from special education, and includes early identification and assessment of disabling conditions in children.¶¶

NOTE: Not all "related services" are covered for payment by Medicaid. To determine whether a related service is a covered health service for a Medicaid-eligible student, see OAR 410-133-0080, Coverage and OAR 410-133-0200, Not Covered Services.¶¶

(87) "School-Based Health Services (SBHS)" means special education, related services, or early intervention services addressing health-related needs that help the Medicaid-eligible student keep, learn, or improve skills and functioning and any services authorized under Oregon's approved Medicaid state plans that are also considered special education, related services, or early intervention that adversely affects the child/student's educational performance. SBHS services reimbursed by Medicaid are recommended by a physician or other licensed health care practitioner within the scope of practice under state law and provided to a Medicaid-eligible student pursuant to an Individualized Education Program/Individualized Family Service Plan (IEP/IFSP) under the Individuals with Disabilities Education Act (IDEA) meeting the requirements of these rules and applicable federal and state laws and rules.¶¶

(88) "School medical (SM) provider" means an enrolled provider type established by the Division to designate the provider of school-based health services eligible to receive reimbursement from the Division. See the Authority's general rules chapter 943 division 120, the Division's General Rules OAR 410-120-1260, and School-Based Health Services Program OAR 410-133-0140 (School Medical (SM) Provider Enrollment Provisions).¶¶

(89) "Screening" means a limited examination to determine a Medicaid-eligible student's need for a diagnostic medical evaluation.¶¶

(90) "Special Education Services" means specially designed instruction to meet the unique needs of a child with a disability, including regular classroom instruction, instruction in physical education, home instruction, and instruction in hospitals, institutions, special schools, and other settings.¶¶

(91) "Speech-Language Pathology Assistant (SLPA)" means a person who is licensed by the Oregon State Board of Examiners for Speech-Language Pathology and Audiology and provides speech-language pathology services under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.¶¶

(92) "Speech-Language Pathologist" means a licensed speech pathologist within the scope of practice as defined by state or federal law licensed by the Oregon Board of Examiners for Speech-Language Pathology and Audiology or holds a license issued by the Teacher Standards and Practice Commission (TSPC) prior to July 1, 2016, exemption in ORS 681.230(4) pursuant to SB287, and holds a Certificate of Clinical Competency (CCC) from the American Speech and Hearing Association (ASHA) or has completed the equivalent educational requirements and

work experience necessary for the certificate or has completed the academic program and is acquiring supervised work experience to qualify for the certificate. (See Medically Qualified Staff 410-133-0120.)¶¶

(93) "Speech-language pathology services" means assessment of children with speech-language disorders, feeding/swallowing disorders, diagnosis, and appraisal of specific speech-language disorders and referral for medical and other professional attention necessary for the habilitation or rehabilitation of speech-language disorders, feeding/swallowing disorders and the provision of speech-language services for the prevention and treatment of communicative and feeding/swallowing disorders. It includes obtaining and interpreting information, coordinating care, and integrating necessary and appropriate speech-language pathology services relative to the student receiving services.¶¶

(94) "State Education Agency (SEA)." See "Oregon Department of Education (ODE)."¶¶

(95) "State-operated school" means the Oregon School for the Deaf. See "Educational Agency."¶¶

(96) "Student health/medical/nursing records" means education records that document for purposes of the Health Systems Division, Medical Assistance Program the Medicaid-eligible student's diagnosis or the results of tests, screens, or treatments, treatment plan, the Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP), and the record of treatments or health services provided to the child or student in compliance with the respective licensed practitioner's scope of practice and licensure or certification.¶¶

(97) "Teacher Standards and Practices Commission (TSPC)" means the commission that governs licensing of teachers, personnel, service specialists, and administrators as set forth in OAR chapter 584. For schools or school providers to participate in the Medicaid program and receive Medicaid reimbursement, they must meet the Medicaid provider qualifications. It is not sufficient for a state to use Department of Education provider qualifications for reimbursement of Medicaid-covered health services provided in an education setting.¶¶

(98) Telehealth for School-Based Health Services (SBHS) is a real time interactive and synchronous audio/video technology from site to site regarding a Medicaid-eligible child's health-related service. Telehealth is the equivalent to face-to-face therapy/treatment between a licensed practitioner/clinician or under the supervision of a practitioner/clinician within the scope of practice.¶¶

(a) Telehealth may occur between an alternate site such as the child/student's home, childcare facility, or other public education programs and settings, and the distant site setting of the practitioner/clinician.¶¶

(b) Telehealth can be interactive audio/telephonic services provided to a child/student in a geographical area where synchronous audio and video is not available or consent for audio/video is refused for services provided to a child/student.¶¶

(c) Telehealth may include coordinated care defined in Definitions 410-133-0040(16).¶¶

(99) "Testing Technician" means a person/technician adequately trained to administer and score specific tests as delegated under the direction and supervision of a licensee and maintains standards for the testing environment and testing administration as set forth in the American Psychological Association Standards for Educational and Psychological Tests (1999) and Ethical Principles for Psychologists (2002). See ORS 675.010(4) and 858-010-0002.¶¶

(100) "Trading partner" means a provider, prepaid health plan (PHP), clinic, or allied agency that has entered into a trading partner agreement with the Department in order to satisfy all or part of its obligations under a contract by means of electronic data interchange (EDI), electronic remittance advice (ERA), electronic media claims (EMC), or any other mutually agreed means of electronic exchange or transfer of data. EDI transactions must comply with the requirements of the EDI rules OAR 407-120-0100 through 407-120-0200. For the purposes of these rules EDI does not include electronic transmission by web portal.¶¶

(101) "Trading partner agreement (TPA)" means a specific request by a provider, PHP, clinic, or allied agency to conduct EDI transactions that governs the terms and conditions for EDI transactions in the performance of obligations under a contract. A provider, PHP, clinic, or allied agency that has executed a TPA will be referred to as a trading partner in relation to those functions.¶¶

(102) "Transportation Aide" means an individual trained for health and safety issues to accompany a Medicaid-eligible student transported to and from a covered Health Service as specified in the Individualized Education Program/individualized Family Service Plan (IEP/IFSP). The School Medical (SM) Provider must maintain documentation of the training, supervision, and provision of the services billed to Medicaid. For the purposes of these rules, individual transportation aides are included in the cost calculation for transportation costs and will not be billed separately. This computation will not include delegated health care aides for whom costs are direct costs.¶¶

(103) "Transportation as a related service" means specialized transportation adapted to serve the needs of a Medicaid-eligible student to and from a covered health service that is necessary and appropriate and described in the Individualized Education Program/individualized Family Service Plan (IEP/IFSP) as outlined in OAR 410-133-0080 (Coverage).¶¶

(104) "Transportation vehicle trip log" means a record or log kept specifically for tracking each transportation trip a Medicaid-eligible student receives transportation to or from a covered health service. (See SBHS OAR 410-133-

0245, Cost Determination and Payment.)¶¶

(105) "Treatment Plan" means a written plan of care services, including treatment with proposed location, frequency and duration of treatment as required by the health care practitioner's health licensing agency.¶¶

(106) "Unit" means a service measurement of time for billing and reimbursement efficiency. One unit equals 15 minutes unless otherwise stated.¶¶

(107) "Visit" means a service measurement of time for billing and reimbursement efficiency. One visit equals the school provider's hourly cost rate for category of service provided (i.e., occupational therapy, physical therapy, speech therapy, etc.) specified in an IEP or IFSP, divided by 60 to yield a cost per minute, and multiplied by amount of service time provided in minutes. For billing purposes, a visit is always presented as one visit.¶¶

(108) "Web Portal submitter" means an individual or entity authorized to establish an electronic media connection with the Health Systems Division, Medical Assistance Programs to conduct a direct data entry transaction. A web portal submitter may be a provider or a provider's agent and OAR 410-141-0001, the following definitions apply to these rules:¶¶

(1) "Adapted vehicle" means a specially adapted vehicle that has been physically adjusted or designed to meet the needs of the individual student under IDEA (e.g., special harnesses, wheelchair lifts, ramps, specialized environmental controls, etc.) to accommodate students with disabilities in the school-based setting. Special physical adaptations may also include air conditioning and specialized suspension systems. In all cases, the medical need for physical or environmental adaptations during transport from home to school and back home must be identified in the IEP/IFSP. ¶¶

(2) "Agent" has the same meaning as defined in OAR 410-120-0000.¶¶

(3) "Assessment" means a process of obtaining information to determine if a child or young adult qualifies for or continues to qualify for SBHS, including but not limited to assessing the child or young adult's need for health services, which services are needed, whether provided services are leading to improved outcomes, or if services need to be adjusted.¶¶

(4) "Assistive technology service" means a service provided by a medically-qualified individual within the scope of practice under state law with training and expertise in the use of assistive technology.¶¶

(5) "Behavioral health supports" means a broad range of mental health wellness supports for students with social and/or relational health needs. Supports may include social skills training or groups, regular check-ins with school staff, development of behavior intervention plans, substance use prevention groups, supporting essential health and well-being needs (such as food insecurity or housing), referral to treatment, and/or coordination with community providers.¶¶

(6) "Behavioral health treatment" means intensive services for children or young adults with identified mental health or substance use needs. Treatment may include therapeutic interventions such as individual or family therapy sessions, intensive treatment groups related to specific mental health or substance use needs, or risk assessments and safety planning for students experiencing suicidal ideation or other acute behavioral health crises.¶¶

(7) "Care coordination" has the same meaning as defined in OAR 410-120-0000. For SBHS, care coordination is performed by or under the supervision of medically-qualified individuals and involves organizing care activities, sharing information, and consultation to ensure and deliver safe, medically-necessary, medically-appropriate, and effective care aligned with the child or young adult's needs. Care coordination includes but is not limited to training and supervision provided by medically-qualified individuals and communicating and sharing information per the Individual Plan of Care (IPOC) with the child or young adult's parent/guardian, physician, community practitioner(s), community organization(s), coordinated care organization (CCO), and staff.¶¶

(8) "Case Management Services" means services provided to ensure a child or young adult obtains health services necessary to maintain physical, mental, and emotional development and oral health. Case management services include a comprehensive, ongoing assessment of medical, mental health, substance use disorder, or dental needs plus the development and implementation of a plan to obtain or make referrals for needed medical, mental, chemical dependency, or dental services, referring members to community services and supports.¶¶

(9) "Centers for Medicare and Medicaid Services (CMS)" means the federal regulatory agency for Medical Assistance Programs, including Medicaid.¶¶

(10) "Child or young adult" means an individual from birth through the school year in which they turn 21.¶¶

(11) "Children's Health Insurance Program (CHIP)" means a federal and state funded portion of the Oregon Health Plan (OHP) established by Title XXI of the Social Security Act and administered by the Authority.¶¶

(12) "Delegated health care" means a specific nursing procedure delegated by a registered nurse (RN) per the Nurse Practice Act. Delegation process means the formal process used by a RN to authorize an unregulated assistive person (UAP) to perform a nursing procedure for a client, the outcome of which the RN retains accountability for.¶¶

(13) "Diagnosis code" means a code as identified in the International Classification of Diseases, 10th revision, Clinical Modification (ICD-10-CM). ¶¶

- (14) "Early and Periodic Screening, Diagnostic and Treatment (EPSDT)" means the program requiring specific coverage for children and young adults, as described in OAR Chapter 410, Division 151.¶
- (15) "Early Intervention/Early Childhood Special Education" means a seamless system to support the developmental and educational needs of children ages birth to five (5) years of age and their families. Early Intervention/Early Childhood Special Education (EI/ECSE) programs ensure that children who qualify for special education receive a Free and Appropriate Public Education (FAPE), as required in the Individuals with Disabilities Act (IDEA).¶
- (16) "Education agency" means, for the purposes of these rules, a public school district, EI/ECSE contractor or subcontractor, education service district, or a state institution providing educational services or transition services (defined in OAR Chapter 581, Division 15) to children and young adults, birth through age 21, that receives state or federal funds either directly or by contract or subcontract with the Oregon Department of Education (ODE), that is also considered a local unit of government pursuant to 42 CFR 433.51.¶
- (17) "Education service district (ESD)" means a district created under ORS 334.010 that provides regional educational services to component school districts.¶
- (18) "Electronic Data Interchange (EDI)" means the exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, using bulk transmission processes and other formats as the Authority designates for EDI transactions. For purposes of rules OAR 943-120-0100 through OAR 943-120-0200, EDI does not include electronic transmission via Medicaid Management Information System (MMIS) Provider Web Portal.¶
- (19) "EDI submitter" means an individual or an entity authorized to establish an electronic media connection with the Authority to conduct an EDI transaction. An EDI submitter may be a trading partner or an agent of a trading partner.¶
- (20) "Evaluation services" means procedures used to determine a health-related need, diagnosis, or eligibility for an IPOC. See also re-evaluation services.¶
- (21) "Federal Medical Assistance Percentage (FMAP)" means the percentage of federal match funds for qualified state medical assistance program (Medicaid) expenditures.¶
- (22) "Healthcare Common Procedural Coding System (HCPCS)" means a method for reporting health care professional services, procedures, and supplies. The HCPCS consists of the Level I - American Medical Association's Physician's Current Procedural Terminology (CPT), Level II - National codes, and Level III - Local codes. The Authority uses HCPCS codes; however, the Authority uses Current Dental Terminology (CDT) codes for the reporting of dental care services and procedures.¶
- (23) "Health care practitioner" or "Practitioner of the healing arts" means a person licensed pursuant to state law to engage in the provision of health care services within the scope of their license and certification standards established by their health licensing agency. ¶
- (24) "Health Evidence Review Commission (HERC)" means the commission that develops and maintains a list of health services ranked by priority from the most to the least important representing the comparative benefits of each service to the population served.¶
- (25) "Health Insurance Portability and Accountability Act (HIPAA)" means the federal law (Public Law 104-191, August 21, 1996) with the legislative objective to assure health insurance portability, reduce health care fraud and abuse, enforce standards for health information, and guarantee security and privacy of health information. ¶
- (26) "Individual Plan of Care (IPOC)" means a prescriptive document for billing Medicaid for each school-based health service provided to a child or young adult in the school setting. To serve as the prescriptive document the plan must include the education agency's name, the specific child or young adult's first and last name, and each necessary and appropriate health service category including the nature, extent, or units of service and therapeutic value for each service. The IPOC may be an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) or Section 504 Accommodation Plan or any other established and documented individualized health or behavioral health plan if such document contains the necessary, prescriptive elements required to serve as the prescriptive document for billing Medicaid.¶
- (27) "Individuals with Disabilities Education Act (IDEA)" means the federal law ensuring the rights of children with disabilities to a free and appropriate public education (FAPE).¶
- (28) "Individualized Education Program (IEP)" means a written statement of an educational program for a child or young adult with a disability that is developed, reviewed, or revised in a meeting in accordance with OAR Chapter 581, Division 15. ¶
- (29) "Individualized Family Service Plan (IFSP)" means a written plan of early childhood special education (ECSE) services, early intervention (EI) services, and other services developed in accordance with criteria established by the Oregon Department of Education (ODE) for each child aged from birth through five (5) years of age that is eligible for Individuals with Disabilities Education Act (IDEA) services. The plan is developed to meet the needs of a child with disabilities in accordance with requirements and definitions in OAR Chapter 581, Division 15. ¶
- (30) "IEP/IFSP Team" means a group of teachers, specialists, and parents responsible for developing, reviewing,

and revising an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) in compliance with the OAR Chapter 581, Division 15.¶

(31) "Medicaid" means a federal program that is administered and partially funded by the state for medical assistance established by Title XIX of the Social Security Act as amended and administered by the Authority.¶

(32) "Medicaid-enrolled" means an individual is eligible and enrolled in Oregon's Medicaid Program.¶

(33) "Medicaid Management Information System (MMIS)" means a statewide system that houses Medicaid data necessary for the business operations of Medicaid administration including, but not limited to, eligible member information, enrolled provider information, procedure and diagnosis codes, prior authorizations, claims data, and reimbursement rules.¶

(34) "Medical Assistance Programs" means a program for payment of health services provided to eligible Oregonians, including Medicaid and CHIP services under the OHP Medicaid Demonstration Project and Medicaid and CHIP services under the State Plan, or Healthier Oregon, or Bridge Program, or any other programs that may be prescribed by the Authority from time to time, in accordance with ORS 414.025(17).¶

(35) "Medically Appropriate" has the same meaning as "EPSDT Medically Appropriate" in OAR 410-151-0001.¶

(36) "Medically Necessary" has the same meaning as "EPSDT Medically Necessary" in OAR 410-151-0001.¶

(37) "Medically-qualified Individual" means an individual possessing a qualification identified in OAR 410-133-0120 who provides Medicaid-covered health services in an education setting.¶

(38) "MMIS Provider Web Portal" means an electronic portal that allows Oregon Medicaid enrolled providers to log in and access relevant information to provide and be reimbursed for services provided to Oregon Medicaid members. Oregon Medicaid enrolled providers can use the portal to verify member eligibility and managed care assignment, access and query Oregon's HERC Prioritized List of Health Services, submit and adjust claims for services provided, download claim remittance advices, and more. Non-enrolled individuals cannot log in to the portal, but they can apply through the portal to enroll as an Oregon Medicaid provider.¶

(39) "National Provider Identifier (NPI)" means a federally administered provider number mandated for use on HIPAA-covered transactions. Individuals, provider organizations, and subparts of provider organizations that meet the definition of health care provider under 45 CFR 160.103 and who conduct HIPAA-covered transactions electronically are eligible to apply for a NPI. Medicare and Medicaid covered entities are required to apply for an NPI.¶

(40) "Non-Billing Provider" also referred to as non-payable, means a provider who is issued a provider number for purposes of rendering, ordering, referring, prescribing, data collection, encounters, or non-claims-use of the Provider Web Portal (e.g., eligibility verification).¶

(41) "Oregon Department of Education (ODE)" means the state agency that provides oversight to public educational agencies for ensuring compliance with federal and state laws relating to education.¶

(42) "Oregon Health Authority (the Authority)" means the agency established in ORS Chapter 413 that administers the funds for Titles XIX and XXI of the Social Security Act. It is the single state agency for the administration of the medical assistance program under ORS Chapter 414.¶

(43) "Oregon Health Plan (OHP)" means the Medicaid and CHIP as administered in Oregon by the Authority and under Oregon's Medicaid State Plan.¶

(44) "Prioritized List of Health Services" means the listing of conditions and treatment pairs developed by the HERC for the purpose of administering the OHP.¶

(45) "Procedure code" means a code or codes used in the Healthcare Common Procedural Coding System (HCPCS).¶

(46) "Re-evaluation services" means procedures used to measure a child or young adult's health status compared to an initial or previous evaluation that are focused on evaluation of progress toward current goals, modifying goals or treatment, or making a professional judgment to determine whether or not the child or young adult shall continue to receive one or more school-based health service(s) pursuant to the child or young adult's IPOC. Continuous monitoring of the child or young adult's progress as a component of ongoing therapy services is not billable as a re-evaluation.¶

(47) "Referral" means the transfer of total or specified care of a client from one provider to another. As used by the Authority, the term referral also includes a request for a consultation or evaluation or a request or approval of specific services.¶

(48) "School medical provider" means an enrolled provider type that is established by the Authority to designate the provider eligible to receive Medicaid reimbursement for Medicaid-covered SBHS. Authority-enrolled education agencies, as defined in this rule, are school medical providers.¶

(49) "Section 504 of The Rehabilitation Act of 1973" means a federal civil rights law, guided by the Americans with Disabilities Act (ADA), that protects qualified individuals from discrimination based on their disability. Under Section 504, free and appropriate public education (FAPE) means providing regular or special education and related aids and services designed to meet individual needs of children and young adults.¶

(50) "Section 504 Accommodation Plan" means a formal plan that provides children and young adults with

disabilities specific supports and accommodations needed to access the general education setting.¶

(51) "Special education services" means specially designed instruction to meet the unique needs of a child or young adult with a disability including regular classroom instruction, instruction in physical education, home instruction, and instruction in hospitals, institutions, special schools, and other settings.¶

(52) "Specialized transportation" means transportation to a medically necessary service (as outlined in the IEP/IFSP of a Medicaid-enrolled child) provided in a specially adapted vehicle that has been physically adjusted or designed to meet the needs of the individual student under IDEA (e.g., special harnesses, wheelchair lifts, ramps, specialized environmental controls, etc.) to accommodate students with disabilities in the school-based setting. Special physical adaptations may also include air conditioning and specialized suspension systems. In all cases, the medical need for physical or environmental adaptations during transport from home to school and back home must be identified in the IEP/IFSP.¶

(53) "Synchronous" means an interaction between a provider and a client or member that occurs at the same time using an interactive technology. This may include audio only, video only, or audio with video and may include remote monitoring.¶

(54) "Supervisory-level" means the medically-qualified individual is licensed or certified to practice independently and may supervise other medically-qualified individuals providing services within their scope of practice and in compliance with their respective board rules. ¶

(55) "Teacher Standards and Practices Commission (TSPC)" means the commission that governs licensing of teachers, personnel, service specialists, and administrators as set forth in OAR Chapter 584.¶

(56) "Telecommunication technologies" means the use of devices and services for telemedicine or telehealth delivered services. These technologies include, but are not limited to, videoconferencing, store-and-forward imaging, streaming media including services with information transmitted using landlines, and wireless communications, including the Internet and telephone networks.¶

(57) "Telehealth" means the use of electronic information and telecommunications technologies, including telemedicine, to support remote clinical healthcare, client or member and professional health-related education, public health, and health administration.¶

(58) "Telemedicine" means the mode of delivering remote clinical health services using information and telecommunication technologies to provide consultation and education or to facilitate diagnosis, treatment, care management or self-management of a client or member's healthcare.¶

(59) "Transportation vehicle trip log" means a record or log kept specifically for tracking each transportation trip to or from a covered health service a Medicaid-eligible child or young adult receives. ¶

(60) "Treatment Plan" means a practitioner's written plan of health services, including treatment with proposed location, frequency, and duration of treatment. A treatment plan must be written by a practitioner within the scope of the practitioner's license or certification and in compliance with the practitioner's respective Oregon board. Treatment plans may include but are not limited to behavioral health service plans (see OAR 309-019-0140), nurse treatment plans of care (see Oregon's Nurse Practice Act, OARs Chapter 851), occupational therapy service plans (See OARs Chapter 339, Division 10), and physical therapy plans of care (see OARs Chapter 848, Division 40).¶

(61) "Unit" means a service measurement of time for billing and reimbursement efficiency. One unit equals 15 minutes unless otherwise stated.¶

(62) "Unregulated Assistive Person (UAP)" means an unlicensed, unregulated individual who performs a nursing procedure for a patient when the specific procedure has been delegated and authorized by a licensed registered nurse (RN) or nurse practitioner (NP) acting within the scope of their license. The delegating nurse retains accountability for the nursing procedure.¶

(63) "Visit" means a service measurement of time for billing and reimbursement efficiency. For billing purposes, a visit is always presented as one (1) visit.¶

(64) "Written recommendation" means a physician or a licensed health care practitioner has documented a specific service or treatment, within their scope of practice, that is medically necessary and appropriate for the individual child or young adult. The written recommendation must be written by a practitioner other than the performing provider, except when the performing provider may self-refer within their scope of practice. The written recommendation must be current, within twelve (12) months of the date of service, to allow for Medicaid reimbursement.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ~~ORS 413.042~~, 414.065

ADOPT: 410-133-0050

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details the Individual Plan of Care requirements to serve as the prescriptive document for Medicaid-covered school-based health services.

CHANGES TO RULE:

410-133-0050

Individual Plan of Care.

(1) School-Based Health Services (SBHS) must be provided pursuant to a Medicaid-enrolled child or young adult's Individual Plan of Care (IPOC).¶

(2) The IPOC may be the child or young adult's: ¶

(a) Individualized Education Program (IEP); ¶

(b) Individualized Family Service Plan (IFSP); or ¶

(c) Section 504 Accommodation Plan only if such plan contains all the elements required to bill the specified school-based health service(s) and be reimbursed by the Authority. ¶

(3) The IPOC must contain the following:¶

(a) The effective date of the IPOC. If a new IPOC is established, the new IPOC must indicate the new effective date and an end date must be listed on the previous IPOC; and ¶

(b) The specific child or young adult's first and last name;¶

(c) The education agency's name; and¶

(d) Each health service category including the nature, extent, or units of service and therapeutic value for each service.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: 414.065

AMEND: 410-133-0060

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Lists school-based health service types that are claimable to Medicaid and requirements for Medicaid reimbursement.

CHANGES TO RULE:

410-133-0060

School-Based Health Services

~~(1) A School-Based Health Service is as (SBHS) are health service for a Medicaid-eligible student that meets the coverage requirements in OAR 410-133-0080 and that:~~

~~(a) Addresses physical or mental disabilities and health-related service needs and devices that helps provided in school settings, for which the child or student keep, learn, or improve skills and functioning that adversely affects the child or student's educational performance; and~~

~~(b) Is identified in a student's Individualized Education Program (IEP) or the Individualized Family Service Plan (IFSP); and~~

~~(c) Is recommended by a physician or other licensed health care practitioner within the scope of practice under state law.~~

~~(2) School-based health serool is responsible to provide in support of a child or young adult's education and which address health-related service needs and devices that meethelp the requirements of section (1) of this rule may include:~~

~~(a) Physical Therapy Evaluations and Treatments that include assessing, preventing, or alleviating movement dysfunction and related functional problems, obtaining and interpreting information, and coordinating care and integrating services relative to the student receiving treatments such as:~~

~~(A) Neuromotor or neurodevelopmental assessment;~~

~~(B) Assessing and treating problems related to musculo-skeletal status;~~

~~(C) Gait, balance, and coordination skills;~~

~~(D) Oral motor assessment;~~

~~(E) Adaptive equipment assessment;~~

~~(F) Gross and fine motor development;~~

~~(G) Observation of orthotic devices; and~~

~~(H) Prosthetic trainingindividual child or young adult keep, learn, or improve skills and functioning that adversely affect individual educational performance.~~

~~(b2) Occupational Therapy Evaluations and Treatments that include assessing, improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are lost or impaired; preventing through early intervention initial or further impairment or loss of function; obtaining and interpreting information; coordinating care; and integrating services relative to the student receiving services such as:~~

~~(A) Neuromuscular and musculo-skeletal status (muscle strength and tone, reflex, joint range of motion, postural control, endurance);~~

~~(B) Gross and fine motor development;~~

~~(C) Feeding or oral motor function;~~
A School-Based Health Service is a health service provided to a Medicaid-enrolled child or young adult when:

~~(Da) Adaptive equipment assessment;~~

~~(E) Prosthetic or orthotic training;~~

~~(F) Neuromotor or neurodevelopmental assessment;~~

~~(G) Gait, balance, and coordination skills.~~

~~(c) Speech Evaluation and Therapy Treatments that include assessment of children with speech and language disorders, diagnosis and appraisal of specific speech or language disorders, referral for medical and other professional attention necessary for the rehabilitation of speech-language disorders, provision of speech-language services for the prevention of communicative disorders, obtaining and interpreting information, coordinating care and integrating services relative to the student receiving services such as:~~

~~(A) Expressive language;~~

~~(B) Receptive language;~~

~~(C) Auditory processing, discrimination, perception and memory;~~

~~(D) Vocal quality;~~

~~(E) Resonance patterns;~~

(F) Phonological;¶

(G) Pragmatic language The health service is provided or supervised by an Authority-enrolled medically-qualified individual in a school setting;¶

(Hb) Rhythm or fluency; and¶

(I) Feeding and swallowing assessment.¶

(d) Audiological Evaluation and Services that include assessment of children with hearing loss; determination of the range, nature, and degree of hearing loss, including the referral for medical or other professional attention for restoration or rehabilitation due to hearing disorders; provision of rehabilitative activities such as language restoration or rehabilitation, auditory training, hearing evaluation and speech conversation; and determination of the child's need for individual amplification; obtaining and interpreting information; coordinating care and integrating services relative to the student receiving services such as:¶

(A) Auditory acuity (including pure tone air and bone conduction), speech detection, and speech reception threshold;¶

(B) Auditory discrimination in quiet and noise;¶

(C) Impedance audiometry, including tympanometry and acoustic reflex;¶

(D) Central auditory function;¶

(E) Testing to determine the child's need for individual amplification;¶

(F) Auditory traini The education agency billing the health service is enrolled with the Authority as a school medical provider; and¶

(c) The child or young; and¶

(G) Training for the use of augmentative communication devices.¶

(e) Nurse Evaluation and Treatment Services that include assessments, treatment services, and supervision of delegated health care services provided to prevent disease, disability, other health conditions or their progression, prolong life, dult has an active, established, and documented IPOC that clearly identifies the necessary and appromote physical and mental health and efficiency. This includes any medical or remedial services recommended by a physician or other licensed health care practitioner within the scope of practice under state law for maximum reduction of physical or mental disability and restoration of a recipient to his or her best possible functional level. The RN is responsible for periodic supervision for services provided to coordinating care and integrating nursing tasks and services that can be performed in the educational setting such as priate health services recommended by a health care practitioner. ¶

(3) SBHS that meet the requirements of sections (1) and (2) of this rule may include:¶

(Aa) Monitoring patient's seizure activity for breathing patterns, onset/duration of seizure, triggers/auras, level of consciousness, support after seizure, administering medication as ordered Evaluation and assessment for SBHS;¶

(Bb) Monitoring and providing treatment for high and low blood sugar, checking urine keytones, blood glucose testing, carbohydrate calculations, assisting with insulin administration;¶

(C) Ventilator Care, suctioning, and equipment management;¶

(D) Tracheotomy care, changing dressings, emergency trach replacement, suctioning, changing "nose", and providing humidification as necessary Care coordination and referrals;¶

(Ec) Catheterization, assisting with or performing procedure for catheterization, monitor urinary tract infections, and performing skin integrity check Assistive technology services;¶

(Fd) Gastrostomy tube feeding, administering tube feedings per physician order, monitoring skin status around the tube, and emergency treatment for button dislodgement Audiology services;¶

(e) Behavioral health services;¶

(Gf) Medication pumps, e.g., insulin pump, calculate carbohydrate amounts in food/snacks, provide insulin bolus per physician order, emergency disconnect procedure and monitoring blood sugar; and Dental services;¶

(Hg) Medication management, e.g., monitoring signs and symptoms for medication administration, administering medications, observing for side effects.¶

(f) Mental Health Evaluation and Treatment Services that include assessment and treatment services provided by or under the supervision and direction of a psychiatrist, psychologist, a mental health nurse practitioner, or by a social worker qualified and licensed to deliver the service and who may provide care coordination and integration for services relative to the student for outpatient mental health services received in the educational setting to prevent disease, disability, other health conditions or their progression, to prolong life and promote physical and mental health and efficiency. This includes any medical or remedial services recommended by a physician or other licensed health care practitioner within the scope of practice under state law for maximum reduction of physical or mental disability and restoration of a recipient to his or her best possible functional level, such as:¶

(A) Mental health assessment;¶

(B) Psychological testing (non-educational cognitive and adaptive testing);¶

(C) Assessment of motor language, social, adaptive, and cognitive functioning by standardized developmental instruments;¶

(D) Behavioral health counseling and therapy; and¶¶

(E) Psychotherapy (group/individual).¶¶

(3) Services for physical, occupational, and speech therapy, hearing, nursing, and mental health services must be recommended as set out and provided by medically-qualified individuals as defined in OAR 410-133-0120 Diagnostic, screening, preventive, developmental and rehabilitative services;¶¶

(h) Nursing services;¶¶

(i) Nurse Practitioner services;¶¶

(j) Occupational therapy services;¶¶

(k) Physical therapy services;¶¶

(L) Physician services;¶¶

(m) Specialized transportation services; and¶¶

(n) Speech-language pathology services.¶¶

(4) Medicaid-covered services and treatments are considered as a covered service in accordance with SBHS are not subject to Oregon's Medicaid program's HERC Prioritized List of Health Services to recipients receiving services pursuant to an IEP/IFSP eligible under Individuals with Disabilities Education Act in the educational setting. The above-listed therapy services and treatments are examples of services that may be provided to eligible recipients in an educational setting under the Oregon Medicaid program. The current Prioritized List of services can be found on the Health Evidence Review Commission's (HERC) web site when services are medically necessary and medically appropriate pursuant to a Medicaid-enrolled child or young adult's IPOC.

Statutory/Other Authority: ORS 413.042, 414.065

Statutes/Other Implemented: ORS 414.065

ADOPT: 410-133-0070

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details requirements for administering school-based health services via telehealth.

CHANGES TO RULE:

410-133-0070

Telehealth

(1) The Authority may reimburse school medical providers for covered School-Based Health Services (SBHS) delivered via telehealth that meet the following criteria:

(a) The covered telehealth service is provided to a child or young adult to the same extent that the service may be covered if it were provided in person;

(b) The school medical provider meets the following privacy and security standards:

(A) Prior to the delivery of the covered service using a telemedicine or telehealth modality, the medically-qualified individual obtains written, oral, or recorded consent for the child or young adult to receive services using a telemedicine or telehealth delivery method. The medically-qualified individual must document oral consent.

Documented or recorded consent must include:

(i) That information regarding the service and delivery method was provided in the language that the child or young adult or the parent or legal guardian understands. Consent must also be in the understood language.

(ii) The medically-qualified individual's assessment of the child or young adult's ability to access and participate in telemedicine or telehealth delivered services.

(B) Comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996; and

(C) Comply with the Authority's Privacy and Confidentiality Rules in OAR Chapter 943, Division 14 except as noted in section (4) below.

(c) The medically-qualified individual may use synchronous audio and visual interactive technologies, including interactive audio/telephonic services provided to a child or young adult in a geographical area where synchronous audio and video is not available or consent for audio/video is refused for services provided to a child or young adult; and

(d) Document the medium used to provide the telehealth.

(2) The Authority shall provide reimbursement for a Medicaid-covered school-based telehealth service at the same reimbursement rate as if the service were provided in person.

(3) For school-based telehealth service claims:

(a) A service provided using synchronous audio and video must include modifier GT;

(b) A service provided using synchronous audio, without video, (e.g., telephone) must include modifier 93.

(4) In the event of a national or state declaration of emergency or in a prolonged school closure due to crisis, pandemic, or disaster, the Authority may modify the requirements for telehealth services to facilitate delivery of medically necessary service delivery. Modifications include, but are not limited to:

(a) Recognizing that exceptional circumstances may affect how all educational and related services and supports are provided, the Authority shall, to the extent possible based on the exceptional circumstance, follow guidance from the US Department of Health and Human Services (HHS), Office for Civil Rights (OCR), Office of Special Education Programs (OSEP) in the Department of Education, and Office of Special Education and Rehabilitative Services (OSERS) and may allow enforcement discretion related to encryption requirements; and

(b) The Authority may reimburse a SBHS delivered using a telehealth platform if:

(A) The telehealth service is medically necessary and appropriate;

(B) The delivery of the telehealth service reasonably approximates an in-person service; and

(C) Access to the telehealth service shall reduce barriers in the delivery of the health care service to accommodate the child or young adult's Individual Plan of Care (IPOC).

Statutory/Other Authority: 413.042

Statutes/Other Implemented: 414.065

RULE SUMMARY: Details school-based health services that are claimable to Medicaid and requirements for Medicaid reimbursement.

CHANGES TO RULE:

410-133-0080

Coverage ¶¶

The Authority may reimburse school medical (SM) providers for covered health services that meet all the following criteria:¶¶

(1) The health service must be "necessary and appropriate," considered as a covered service under the Oregon Health Plan (OHP) Prioritized List of health services, and the health service may not be excluded under OAR 410-133-0200 Not Covered Services.¶¶

(2) The health service must be required by a Medicaid-eligible student's physical or mental condition that adversely affects the child/student's educational performance and that helps the child/student keep, learn, or improve skills and functioning as specified on the Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) and further described in the treatment plan and the evaluation of the student.¶¶

(3) The health service, individual, or group may include corrective health services treatments and Medicaid-covered related services as described in a student's IEP or IFSP.¶¶

(a) The payment rate for health services includes case management and necessary supplies for these services. Additional reimbursement for such services is not paid separately from the health service;¶¶

(b) These services must be provided by medically qualified staff that meet the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120 and comply with the respective medical provider's governing definitions, scope of practice, documentation requirements, and licensure or certification.¶¶

(4) Evaluation and assessment for SBHS are reimbursed for the part of the evaluation or assessment regarding a Medicaid-eligible student's "necessary and appropriate" SBHS needs for the purpose of establishing, re-establishing, or terminating a Medicaid-covered service on a Medicaid-eligible student's IEP or IFSP or to develop, review, or revise components of a covered health service currently provided to a Medicaid-eligible student for continuation of those covered services pursuant to an IEP or IFSP under the Individuals with Disabilities Education Act (IDEA):¶¶

(a) Evaluation services are procedures used to determine an SBHS covered health-related need, diagnosis, or eligibility under IDEA;¶¶

(b) Re-evaluation services are procedures used to measure a Medicaid-eligible student's health status compared to an initial or previous evaluation and is focused on evaluation of progress toward current goals, modifying goals or treatment, or making a professional judgment to determine whether or not a Medicaid-eligible student will continue to receive continued care for a SBHS covered service pursuant to the IEP or IFSP under IDEA. Continuous assessment of the student's progress as a component of ongoing therapy services is not billable as a re-evaluation.¶¶

(5) Assistive technology services directly assist a Medicaid-eligible student with a disability eligible under IDEA to receive assistive technology-covered SBHS as specified on the IEP or IFSP in the selection, acquisition, or use of an assistive technology device, including:¶¶

(a) The assistive technology assessment with one-to-one student contact time by medically-qualified staff within the scope of practice performing the assessment of the need, suitability, and benefits of the use of an assistive technology device or adaptive equipment that will help restore, augment, or compensate for existing functional ability in the Medicaid-eligible student or that will optimize functional tasks for the Medicaid-eligible student's environmental accessibility. This requires and includes the preparation of a written report;¶¶

(b) Care coordination with the Medicaid-eligible student's physician, parent/guardian, and the Division) for the parent/guardian's acquisition of a personal assistive technology device for their Medicaid-eligible student through the student's Medicaid plan for the benefit of the Medicaid-eligible student to maximize her functional ability and environmental accessibility; and¶¶

(c) Training or technical assistance provided to or demonstrated with the Medicaid-eligible student by medically-qualified staff, instructing the use of an assistive technology device or adaptive equipment in the educational setting with professionals (including individuals providing education and rehabilitation services) or where appropriate the family members, guardians, advocates, or authorized representative of the Medicaid-eligible student. In order to bill Medicaid for this service, the student must be present.¶¶

(6) The Authority may reimburse physical therapy services provided by:¶

(a) A physical therapist authorized to administer physical therapy to an individual when the individual is a Medicaid-eligible student eligible for special education, as defined by state or federal law, and is being seen pursuant to the Medicaid-eligible student's individual education plan or individual family service plan (see Oregon administrative rules chapter 848, division 10, Licensed Physical therapist and Licensed Physical Therapist Assistants; Division 15 Physical Therapist Assistants; and Division 40 Minimum Standards For Physical Therapy Practice and Records);¶

(b) A physical therapist assistant providing treatment under the supervision of a physical therapist that is available and readily accessible for consultation with the assistant at all times either in person or by means of telecommunications (see OAR chapter 848, division 15, Physical Therapist Assistants). Physical therapy services must be provided by medically qualified staff that meet the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120;¶

(c) Reimbursement time may include:¶

(A) Preparation of the written initial evaluation or initial assessment report to establish necessary and appropriate physical therapy services on a Medicaid-eligible student's IEP or IFSP;¶

(B) Obtaining and interpreting medical information for the part of an evaluation or assessment performed by the physical therapist to establish necessary and appropriate physical therapy services on a Medicaid-eligible student's IEP or IFSP or to determine whether or not necessary and appropriate physical therapy services will continue to be specified on the Medicaid-eligible student's IEP or IFSP under IDEA (cannot be delegated);¶

(C) Care coordination and integrating services within the scope of practice for providing necessary and appropriate physical therapy services relative to the Medicaid-eligible student pursuant to an IEP or IFSP;¶

(D) Direct treatment and supervision of services provided to a Medicaid-eligible student by the physical therapist and defined in the individual plan; when¶

(E) Documentation by the supervising physical therapist supporting the appropriate supervision of the assistant is maintained and kept by the School Medical Provider for a period of seven years (see OAR chapter 848, division 40, Minimum Standards for Physical Therapy Practice and Records);¶

(F) Individual or group physical therapy services provided to a Medicaid-eligible student by or under the supervision and direction of a licensed physical therapist pursuant to the Medicaid-eligible student's IEP or IFSP; when the documentation describing physical therapy services provided are signed by the therapist providing the service in accordance with their board licensing requirements, and documentation for supervision of services performed by or under the supervision and direction of the supervising physical therapist supporting the services provided is maintained and kept by the school medical provider for seven years (see Minimum Standards for Physical Therapy Practice and Records OARs 848-040-0100 through 848-040-0170);¶

(G) Other covered physical therapy services within the scope of practice and sections (1) and (2) of this rule.¶

(7) The Authority may reimburse occupational therapy services provided by:¶

(a) A licensed Occupational Therapist (OT) authorized to administer occupational therapy to an individual when the individual is a Medicaid-eligible student eligible for special education, as defined by state or federal law, and is being seen pursuant to the Medicaid-eligible student's individual education plan or individual family service plan; and¶

(b) A licensed occupational therapy assistant assisting in the practice of occupational therapy under the general supervision of a licensed occupational therapist. General supervision requires the supervisor to have at least monthly direct contact in person with the supervisee at the work site with supervision available as needed by other methods; and¶

(c) Before an occupational therapy assistant assists in the practice of occupational therapy, he must file with the Board a signed, current statement of supervision of the licensed occupational therapist that will supervise the occupational therapy assistant (see OAR 339-010-0035 Statement of Supervision for Occupational Therapy Assistant). Occupational therapy services must be provided by medically qualified staff that meet the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120;¶

(d) Reimbursement time may include:¶

(A) Preparation of the written initial evaluation or initial assessment reports that establish necessary and appropriate occupational therapy services on a Medicaid-eligible student's IEP or IFSP;¶

(B) Obtaining and interpreting medical information for the part of the evaluation or assessment performed by the occupational therapist to establish necessary and appropriate occupational therapy services on a Medicaid-eligible student's IEP or IFSP or to determine whether or not necessary and appropriate occupational therapy services will continue to be specified on the Medicaid-eligible student's IEP or IFSP under IDEA (cannot be delegated);¶

(C) Development of the initial occupational therapy treatment plan by the OT (cannot be delegated);¶

(D) Coordinating care and integrating services within the scope of practice relative to the Medicaid-eligible student receiving necessary and appropriate occupational therapy services as specified on the IEP or IFSP;¶

(E) Individual or group occupational therapy services provided to a Medicaid-eligible student by or under the supervision and direction of a licensed occupational therapist as specified on Medicaid-eligible student's IEP or IFSP;¶¶

(F) Direct treatment and supervision of services provided to a Medicaid-eligible student by the occupational therapist and defined in the individual plan when documentation supporting the appropriate supervision of the assistant is kept and maintained by the school medical provider for a period of seven years;¶¶

(G) The occupational therapy services provided are consistent with OAR 339-010-0050 Occupational Therapy Services for Children and Youth in Education and Early Childhood Programs Regulated by Federal Laws; and¶¶

(H) Documentation describing occupational therapy treatment provided must be signed including credentials by the occupational therapist providing the service. Where appropriate, services provided by an occupational therapist assistant shall be reviewed and co-signed by the supervising occupational therapist. All documentation describing treatment provided by an occupational therapy assistant must name the assistant therapist and the supervising therapist including credentials as reflected on the current statement of supervision filed with the Occupational Therapist Licensing Board. Supervision and documentation of supervision by the supervising therapist for therapy provided by the occupational therapy assistant must meet general supervision requirements or closer supervision where professionally appropriate. See OAR 339-010-0005, 339-010-0035, and 339-010-0050. Also, see 410-133-0320 Documentation and Record Keeping Requirements in these rules;¶¶

(I) Other covered occupational therapy services within the scope of practice and sections (1) and (2) of this rule.¶¶

(8) The Authority may reimburse speech therapy services provided by:¶¶

(a) A licensed speech pathologist licensed by the Oregon Board of Examiners for Speech-Language Pathology and Audiology or holds a license issued by the Teacher Standards and Practice Commission (TSPC) prior to July 1, 2016, exemption in ORS 681.230(4) pursuant to SB287, and holds a Certificate of Clinical Competency (CCC) from the American Speech and Hearing Association (ASHA), or has completed the equivalent educational requirements and work experience necessary for the certificate, or has completed the academic program and is acquiring supervised work experience to qualify for the certificate, or is authorized to administer speech therapy to an individual when the individual is a Medicaid-eligible student eligible for special education, as defined by state or federal law, receiving speech therapy services pursuant to an individual education plan or individual family service plan; or¶¶

(b) A graduate speech pathologist in their Clinical Fellowship Year (CFY) practicing under the supervision of a licensed speech pathologist with CCC meeting the standards of licensing or certification for the health service provided as described in OAR 410-133-0120 medically qualified staff; and when:¶¶

(A) A standardized system for reviewing the clinical work of the clinical fellow is performed at regularly scheduled intervals, using the Skills Inventory Rating (CFSI) form addressing the fellow's attainment of skills for independent practice;¶¶

(B) The clinical fellow supervisor maintains and documents the supervision of the clinical fellow to be kept by the school medical provider for a period of seven years;¶¶

(C) Documentation describing the treatment provided is signed and initialed by the clinical fellow for review and co-signed by the supervising clinical fellow.¶¶

(c) Speech-language pathology assistants (SLPA), licensed by the Oregon State Board of Examiners for Speech-Language Pathology and Audiology, under the supervision of a supervising speech-language pathologist and who meet the standards of licensing or certification for the health service provided as described in OAR 410-133-0120 Medically Qualified Staff, when the following conditions are met:¶¶

(A) The supervising speech-language pathologist must have at least two years of full-time professional speech-language pathology experience (see OAR 335-095-0040 and 335-095-0050, Requirements for Supervising Licensed Speech-Language Pathology Assistants);¶¶

(B) The supervising speech therapist does not supervise more than the equivalent of two full-time speech-language pathology assistants;¶¶

(C) The supervising speech-language pathologist maintains documentation supporting the appropriate supervision of the assistant to be kept by the school medical provider for a period of seven years;¶¶

(D) The caseload of the supervising clinician allows for administration, including assistant supervision, evaluation of students and meeting times. All students assigned to an assistant are considered part of the caseload of the supervising clinician;¶¶

(E) The supervising speech-language pathologist must be able to be reached at all times. A temporary supervisor may be designated as necessary;¶¶

(F) The services provided by the assistants are consistent with the Scope of Duties for the Speech-Language Pathology Assistant (SLPA) pursuant to OAR 335-095-0060;¶¶

(G) Documentation describing the treatment provided is signed and initialed by the SLPA for review and co-signature by the supervising speech-language pathologist to be kept by the school medical provider for a period of seven years from date of payment.¶¶

(d) Reimbursement time may include:¶¶

(A) Preparation of the written initial evaluation or initial assessment report, including obtaining and interpreting medical information for the part of the evaluation or assessment performed by the speech pathologist to establish necessary and appropriate speech therapy services on a Medicaid-eligible student's IEP or IFSP or determine whether or not necessary and appropriate speech therapy services will continue to be specified on the Medicaid-eligible student's IEP or IFSP under IDEA (cannot be delegated);¶¶

(B) Development of the initial speech therapy treatment plan by the speech pathologist (cannot be delegated);¶¶

(C) Care coordination and integrating services within the scope of practice relative to the Medicaid-eligible student receiving necessary and appropriate speech therapy services specified on the IEP or IFSP;¶¶

(D) Direct individual or group speech therapy services provided to a Medicaid-eligible student for speech services specified on the IEP or IFSP delivered by or under the supervision and direction of a speech pathologist who is medically qualified to deliver the service, see 410-133-0120 Medically Qualified Staff;¶¶

(E) Direct training and supervision of services provided to a Medicaid-eligible student by the medically qualified supervising speech pathologist to be kept by the school medical provider for a period of seven years; and¶¶

(F) Other covered speech therapy services within the scope of practice and sections (1) and (2) of this rule.¶¶

(9) The Authority may reimburse audiology services provided by:¶¶

(a) A licensed audiologist within the scope of practice as defined by state or federal law who meet the standards of licensing or certification for the health service provided as described in OAR 410-133-0120, Medically Qualified Staff;¶¶

(b) Reimbursement time may include:¶¶

(A) Preparation of the written initial evaluation or initial assessment report, including obtaining and interpreting medical information for the part of the evaluation or assessment performed by the audiologist within the scope of practice to establish necessary and appropriate hearing services on a Medicaid-eligible student's IEP or IFSP or determine whether or not necessary and appropriate hearing impairment services will continue to be specified on the Medicaid-eligible student's IEP or IFSP under IDEA;¶¶

(B) Periodic hearing evaluations and assessments of a Medicaid-eligible student with hearing loss found eligible under IDEA pursuant to services as specified on the IEP or IFSP for determination of the range, nature, and degree of hearing loss;¶¶

(C) Care coordination and integration of services for medical or other professional attention relative to a Medicaid-eligible student receiving services for restoration or rehabilitation due to hearing and communication disorders as specified on the IEP or IFSP;¶¶

(D) Provision of rehabilitative activities such as language restoration or rehabilitation, auditory training, hearing evaluation and speech conversation, and determination of the Medicaid-eligible student's need for individual amplification in accordance with the student's IEP or IFSP.¶¶

(10) The Authority may reimburse nurse services provided by:¶¶

(a) A nurse practitioner (NP), registered nurse (RN), licensed practical nurse (LPN), or delegated health care aid under the supervision of an RN or NP who meet the standards of licensing or certification for the health service provided as described in OAR 410-133-0120 Medically Qualified Staff;¶¶

(b) Nursing services under this program are not intended to reimburse nursing activities of a private duty RN or LPN that is otherwise billing Medicaid directly for those services;¶¶

(c) Reimbursement time may include:¶¶

(A) Preparation of the written initial evaluation or initial assessment report to establish nursing services including obtaining and interpreting medical information for the part of the evaluation or assessment performed to establish necessary and appropriate nursing services on the Medicaid-eligible student's IEP or IFSP or determine whether or not necessary and appropriate nursing services will continue to be specified on the Medicaid-eligible student's IEP or IFSP under IDEA;¶¶

(B) Coordinated care for other specified care management for a chronic medical condition that is not addressed on the current IEP or IFSP that will result in amending nursing services specified in the IEP or IFSP and requires an updated nursing plan of care. This may result in an increase in supervision, monitoring, and training of DHC staff to provide new nursing tasks related to the change in condition, i.e., a child with seizure disorder that develops diabetes;¶¶

(C) Care coordination and integration of necessary and appropriate nursing services relative to the Medicaid-eligible student's covered health service specified on the IEP or IFSP;¶¶

(D) Nurse to student interactive services that are covered health services provided to a Medicaid-eligible student with a chronic medical condition receiving nursing services pursuant to an IEP or IFSP;¶¶

(E) Oversight of delegated health care aides performing delegated nursing services directly with the student as specified on the IEP or IFSP;¶¶

(F) Student observation by medically qualified staff for medical reasons of a Medicaid-eligible student with a chronic medical condition as part of an evaluation, assessment, or care coordination. An observation by itself is

not a billable activity;¶¶

(G) Other covered nursing care services within the scope of practice and sections (1) and (2) of this rule.¶¶

(11) The Authority may reimburse mental health services provided by:¶¶

(a) A psychiatrist who meets the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120(2)(f)(A), or a psychologist who meets the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120(2)(f)(B), or a mental health nurse practitioner who meets the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120(2)(e)(A); or¶¶

(b) A psychologist associate with authority to function without immediate supervision, performing functions that may include but are not restricted to administering tests of mental abilities, conducting personality assessments and counseling (see OAR 858-010-0039 Application for Independent Status). These services must be provided by medically qualified staff who meet the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120(2)(f)(C); or¶¶

(c) A psychologist associate under the supervision of a psychologist as specified by the Board of Psychologist Examiners, OAR chapter 858, division 010. These services must be provided by medically qualified staff who meet the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120(2)(f)(D); or¶¶

(d) A technician under the supervision of a psychologist as specified by the Board of Psychologist Examiners, chapter 858, division 10, OAR 858-010-0002, Guidelines for Supervising Technicians, and who meet the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120(f)(E); or¶¶

(e) An LCSW qualified and licensed to deliver the service, or a Clinical Social Work Associate (CSWA) under the supervision of an LCSW specified by the Board of Licensed Social Workers, chapter 877 division 20 and who meet the standards of licensing or certification for the health service being provided as described in OAR 410-133-0120(f)(F);¶¶

(f) Reimbursable time may include:¶¶

(A) Preparation of the written initial evaluation or initial assessment report for a suspected disability per the referral process for determining IDEA eligibility, including obtaining and interpreting medical information for the part of the evaluation or assessment performed by the mental health care practitioner within the scope of practice to establish necessary and appropriate mental health services on the Medicaid-eligible student's IEP or IFSP or to determine whether or not necessary and appropriate mental health services will continue to be specified on the Medicaid-eligible student's IEP or IFSP under IDEA;¶¶

(B) Care coordination and integrating services within the scope of practice relative to the Medicaid-eligible student receiving mental health services as specified on the IEP or IFSP;¶¶

(C) Direct individual therapy services provided within the scope of practice under state law and covered under sections (1) and (2) of this rule to a Medicaid-eligible student by or under the supervision and direction of a psychologist, a psychiatrist, or mental health nurse practitioner, or a Licensed Clinical Social Worker qualified and licensed to deliver the service pursuant to the Medicaid-eligible student's IEP or IFSP.¶¶

(12) The Authority may reimburse telehealth, tele-electronic/telephonic School-Based Health Services (SBHS) provided to the same extent the services would be covered if they were provided in person and billed to Medicaid using appropriate SBHS procedure codes and modifiers. All SBHS telehealth services billed to Medicaid shall:¶¶

(a) Be provided by a licensed practitioner/clinician employed by or contracted by an Oregon public school district or Education Service District, enrolled with Oregon Health Authority (OHA) as a "school medical (SM)" provider with authority to provide SBHS to Oregon Medicaid beneficiaries;¶¶

(b) Be performed by or under a supervising licensed practitioner/clinician within the scope of practice governed by their licensing board, who meet the federal requirements as described in medically qualified staff in OAR 410-133-0120, and who hold a current and valid license without restriction from a state licensing board where the provider is located;¶¶

(c) Use synchronous audio and visual interactive technologies, including interactive audio/telephonic services provided to a child/student in a geographical area where synchronous audio and video is not available or consent for audio/video is refused for services provided to a child/student;¶¶

(d) Include, when applicable, electronic or telephonic communications such as telephone conversation, video conference, or an internet relay chat session for care coordination defined in OAR 410-133-0040(16);¶¶

(e) Assist the licensed practitioner/clinician with care coordination and oversight of a Medicaid eligible child/student's covered health related services provided in support of a child/student's education program required by the Individuals with Disabilities Education Act (IDEA);¶¶

(f) Be compliant with applicable privacy rules and security protections for the child/student in connection with the telehealth communication and confidentiality related to records required by HIPAA and FERPA;¶¶

(g) Ensure the telehealth communication obtained, used and maintained is compliant with privacy and security

standards in HIPAA and the Authority's Privacy and Confidentiality Rules set forth in OAR 943 division 14;¶

(h) Ensure policies and procedures are in place to prevent a breach in privacy or exposure of protected health information or records (whether oral or recorded in any form or medium) to unauthorized individuals.¶

(13) Providers billing Medicaid for SBHS health related services via telehealth must: ¶

(a) Align services provided within a licensed practitioner/clinician scope of practice governed by their licensing board; ¶

(b) Obtain the child's/student's parent or guardian's written or verbal consent to receive the services via telehealth technologies, prior to the delivery of health-related services to an eligible child/student with disabilities using a telehealth modality. Verbal consent must be documented/noted in the child's plan of care by the practitioner. Consent must be obtained and documented annually or with change in services on the child/students plan of care;¶

(c) Model SOAP charting or equivalent for covered health related services required by the Individuals with Disabilities Education Act (IDEA) in compliance with Documentation and Recordkeeping Requirements OAR 410-133-0320;¶

(d) Describe services provided as telehealth synchronous audio/visual interactive equivalent to face to face; or electronic/telephonic interactive communication described as telephone conversation, video conference, or internet relay chat requiring decision making for coordinating care;¶

(e) Bill Medicaid using the most appropriate Current Procedural Terminology (CPT) or Healthcare Common Procedure Coding System (HCPCS) codes and modifiers for SBHS considered as an OHP covered service. A two-digit modifier assigned to telehealth is required for billing SBHS telehealth services using audio and video interactive technologies; ¶

(f) For services covered using synchronous audio and video with modifiers GT, the Division will cover the same services provided by synchronous audio (e.g. telephone), when billed with the same codes but without modifier GT when provision of the same service via synchronous audio and video is not available or feasible, when the patient declines to enable video, or necessary consents cannot reasonably be obtained with appropriate documentation in the child/student's plan of care;¶

(g) Maintain clinical documentation and financial records related to telehealth services as required in OAR 410-120-1360 and these SBHS Rules.¶

(14) In the event a National or declared state of emergency, crisis, pandemic or other disaster occurs that results in prolonged school closure, the Authority may adopt flexibilities to remove barriers in support of medically necessary service delivery:¶

(a) The state recognizes that exceptional circumstances may affect how all educational and related services and supports are provided during a declared state of emergency and will follow guidance from the US Department of Health and Human Services (HHS), Office for Civil Rights (OCR), Office of Special Education Programs (OSEP) in the Department of Education, and Office of Special Education and Rehabilitative Services (OSERS) for flexibility where possible and may allow enforcement discretion related to encryption requirements; ¶

(b) Oregon's school program must ensure that, to the greatest extent possible, students with a disability are provided the special education and related services identified in a student's IEP/IFSP required by IDEA, or a plan developed under Section 504 of the Rehabilitation Act of 1973; ¶

(c) Federal disability law guaranteed by the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA) allow for flexibility in the determination of how a Free Appropriate Public Education (FAPE) is to be provided during a public health emergency or any declared state of emergency consistent with the need to protect the health and safety of students with disabilities and those individuals providing special education and related services to students; ¶

(d) During an emergency declaration, the Authority may reimburse any necessary and appropriate physical, mental, behavioral and oral health service delivered using a telehealth platform when the telehealth delivery reasonably approximates in person services to maximize access to services and reduce barriers in the delivery of these services provided to eligible children included in a child's Individualized Education Program (IEP) or Individualized family Service Plan (IFSP) required by the Individuals with Disabilities Education Act (IDEA), a Section 504 plan pursuant to Section 504 of the Rehabilitation Act, or other school services plan. Other types of telecommunications are not covered, without necessary and appropriate decision making for an eligible child's /student's plan of care.¶

(15) Medicaid reimbursed transportation:¶

(a) Transportation to a covered health service as documented in the child's IEP/IFSP and defined in these rules (see 410-133-0245, Cost Determination and Payment);¶

(b) Ongoing transportation specified as a related service on the Medicaid-eligible student's IEP or IFSP may be claimed as a Medicaid service on the days a Medicaid-eligible student receives a covered health service that is also specified on the IEP or IFSP and the transportation is supported by a transportation vehicle trip log;¶

(c) The Authority may only reimburse for transportation as a related service to and from a Medicaid-covered

service for a Medicaid-eligible student when the transportation is supported by a transportation vehicle trip log; and the student receives a Medicaid-covered health service other than transportation on that day when either of the following situations exist:¶¶

(A) The Medicaid-eligible student requires specialized transportation adapted to serve the needs of the disabled student; there is documentation to support specialized transportation is "necessary and appropriate," and transportation is listed as a related service on the student's IEP or IFSP; or¶¶

(B) The Medicaid-eligible student has a medical need for transportation that is documented in the IEP or IFSP and resides in an area that does not have regular school bus transportation such as those areas in close proximity to a school.¶¶

(d) If a Medicaid-eligible student is able to ride on a regular school bus, but requires the assistance of a delegated health care aide trained by an RN to provide a delegated nursing task specific to the student and cannot be transported safely without the delegated health care aide, the service provided by the delegated healthcare aide is reimbursed under the delegated healthcare code. See the Standards for Community-Based Care Registered Nurse Delegation of a nursing care task as outlined in the Nurse Practice Act, OAR chapter 851 division 47;¶¶

(e) If a Medicaid-eligible student requires the assistance of a delegated health care aide and transportation adapted to serve the needs of the disabled student, both the necessary and appropriate transportation and the service provided by the delegated healthcare aide may be reimbursed when both are specified on the Medicaid-eligible student's current IEP or IFSP;¶¶

(f) If an education agency provides special transportation to a Medicaid-eligible student to a covered service outside the district or the Medicaid-eligible student's resident school and the student cannot be transported safely without a transportation aide as specified on the IEP or IFSP, the transportation is billable. However, a transportation aide who is not a delegated healthcare aide trained by an RN cannot be billed as a separate cost because the cost of the transportation aide is included in the cost of the transportation;¶¶

(g) Transportation is not reimbursable by the Division when provided by the parent or relative of the child;¶¶

(h) Transportation to an "evaluation" service is covered if:¶¶

(A) Medically necessary transportation is listed and included in the Medicaid-eligible student's current IEP or IFSP and the evaluation is to establish, re-establish, or terminate a SBHS covered service under IDEA;¶¶

(B) The evaluation is a SBHS covered health service;¶¶

(C) The medical provider conducting the evaluation, if not employed or contracted by the school medical provider, is an enrolled provider with the Division and meets applicable medical licensing standards necessary to conduct the evaluation.¶¶

(16) Medicaid may reimburse for contracted consultation health services for furnishing consultations regarding a Medicaid-eligible student's covered health service specified on the IEP or IFSP for an evaluation or assessment to establish, re-establish, or terminate a covered SBHS on an IEP or IFSP. Contracted consultation services must be provided by a licensed medical professional other than school medical provider staff:¶¶

(a) This service may be on a contracted basis for a number of students;¶¶

(b) Allowable services must be furnished through a personal service contract between the school medical provider and the licensed health care practitioner;¶¶

(c) This service would only be an SBHS covered health service by the school medical provider when the licensed health care practitioner did not bill Medicaid directly under other programs for the same services.¶¶

(17) Reimbursed coordinated care performed by medically qualified staff as described in OAR 410-133-0120 directly related to health services required by a Medicaid-eligible student's physical or mental condition as described in the IEP or IFSP must be one of the following:¶¶

(a) Managing integration of those Medicaid-covered health services for treatment provided in the education setting;¶¶

(b) The portion of a conference between interested parties and medically-qualified staff for developing, reviewing, or revising a Medicaid-covered health service or therapy treatment plan for services provided pursuant to a Medicaid-eligible student's IEP or IFSP or to establish, re-establish, or terminate a covered health service under IDEA for eligibility purposes;¶¶

(c) Consultation from medically qualified staff providing technical assistance to or conferring with special education providers, physicians, or families to assist them in providing covered health services to Medicaid-eligible students for treatment provided in the educational setting related to specific health services and the goals and objectives in the student's IEP or IFSP. Consultation services must be completed by a licensed health care practitioner within the scope of practice under their licensure (1) A School-Based Health Service (SBHS) is covered when it meets the following criteria:¶¶

(a) The health service must be a medically necessary and medically appropriate non-residential health service;¶¶

(b) The health service is recommended by a health care practitioner and is documented in the child or young adult's Individual Plan of Care (IPOC);¶¶

(c) The health service is provided or supervised by an Authority-enrolled medically-qualified individual providing

and documenting the service within their respective scope of practice and in compliance with their respective board rules and requirements and OAR 410-120-1360; ¶

(d) The health service is billed to the Authority by an enrolled school district or education service district in accordance with SBHS rules; and ¶

(e) The health service is not excluded under OAR 410-133-0200. ¶

(2) Evaluation and assessment: ¶

(a) An evaluation and assessment or re-evaluation is covered for the part of the evaluation, re-evaluation, or assessment regarding a child or young adult's medically necessary and medically appropriate school-based health service needs for the purpose of establishing, re-establishing, or terminating a school-based health service on the child or young adult's IPOC or to develop, review, or revise components of a covered school-based health service currently provided to a child or young adult for continuation of those covered services; and ¶

(b) Reimbursement time may include: ¶

(A) The time that is for the part of the supervisory-level medically-qualified individual's evaluation, re-evaluation, or assessment of a child or young adult's necessary and appropriate school-based health service needs (cannot be delegated). ¶

(B) The time for the supervisory-level medically-qualified individual to prepare the written evaluation or assessment report, including obtaining and interpreting medical information to establish necessary and appropriate referrals and care coordination or to determine whether the necessary and appropriate services shall continue to be specified on the child or young adult's IPOC (cannot be delegated). ¶

(3) Care coordination, consultation, and referrals: ¶

(a) Care coordination, consultation, and referrals are covered when provided as directly related to the SBHS specified on the child or young adult's IPOC; and ¶

(b) Reimbursement time may include: ¶

(A) Care coordination, consultation, or referral performed by a licensed health care practitioner within their scope of practice to manage integration of services relative to the child or young adult as specified on the child or young adult's IPOC: ¶

(i) With the child or young adult's physician, community practitioner(s), community organization(s), parent/guardian, the Authority, or the child or young adult's coordinated care organization (CCO) for community health treatment and integration of services provided through the child or young adult's Medicaid coverage; ¶

(ii) To provide technical assistance to or confer with education agency staff, medically-qualified individuals, healthcare practitioners, or families to assist them in providing covered health services related to specific health services and the goals and objectives in the child or young adult's IPOC. ¶

(iii) To provide training for non-supervisory level medically-qualified individuals performing health care activities. ¶

(B) The portion of a conference between interested parties and a medically-qualified individual for developing, reviewing, or revising a Medicaid-covered health service or therapy treatment plan for services provided pursuant to a child or young adult's IPOC or to establish, re-establish, or terminate a covered health service. ¶

(4) Assistive technology services: ¶

(a) Assistive technology services are covered when directly assisting in the selection, acquisition, or use of an assistive technology device as specified on the child or young adult's IPOC; and ¶

(b) Reimbursement time may include the following when performed by a medically-qualified individual within their respective scope of practice: ¶

(A) An assistive technology assessment with one-to-one child or young adult contact time; ¶

(B) Preparing the required written report of the need, suitability, and benefits of the use of an assistive technology device or adaptive equipment that shall help restore, augment, or compensate for existing functional ability or that shall optimize functional tasks for the child or young adult's environmental accessibility; ¶

(C) Care coordination and consultation with the child or young adult's healthcare practitioner, parent/guardian, and the Authority for the acquisition of a personal assistive technology device for the child or young adult through the child or young adult's Medicaid plan; and ¶

(D) Training or technical assistance provided to, or demonstrated with, the child or young adult which may include instructing on the use of an assistive technology device or adaptive equipment in the educational setting with professionals (including individuals providing education and rehabilitation services) or the child or young adult's family members, guardians, advocates, or authorized representative. ¶

(5) Direct services must be provided and documented by medically-qualified individuals within their scope of practice and in compliance with their respective Oregon board rules and OAR 410-120-1360; and Direct services are covered when the service is supported by: ¶

(a) A current written recommendation, completed within twelve (12) months of the date-of-service, from a health care practitioner; ¶

(b) The direct service is medically necessary and medically appropriate; and ¶

(c) The child or young adult's IPOC includes the health service category, the nature, extent, or units of service and therapeutic value for each service. ¶

(6) Specialized transportation:¶

(a) Specialized transportation services are covered when: ¶

(A) The child or young adult requires specialized transportation provided in a specially adapted vehicle that has been physically adjusted or designed to meet the needs of the child or young adult to serve their individual health-related needs, specialized transportation is specified as a related service in the child or young adult's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP), and there is documentation to support specialized transportation is necessary and appropriate; and ¶

(B) A separate school-based health service, other than transportation, is specified on the child or young adult's IEP or IFSP and provided and reimbursed on that day. ¶

(b) Specialized transportation must be supported by a transportation vehicle trip log.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ~~ORS 413.042~~, 414.065

AMEND: 410-133-0090

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details Medicaid leveraging for covered school-based health services, including leveraging state funds submitted by the education agency.

CHANGES TO RULE:

410-133-0090

Public Education Agency School Medical Provider Payment Requirements. ¶

These rules are designed to assist the public Education Agency (EA) School Medical (SM) provider in matching state and federal funds for services defined by Section 1915(g) of the Social Security Act, 42 USC § 1396n(g) and are to be used in conjunction with the Division of Medical Assistance Programs (Division) General Rules (OAR 410 division 120). ¶

(1) Payment will be made in accordance with Authority Provider Rules chapter 943 division 120 and Division General Rules chapter 410 division 120 to the enrolled School Medical (SM) provider with the Oregon Health authority (Authority), also termed Authority, meeting the requirements set forth in the provider enrollment agreement for those covered health services provided by medically qualified staff working within the scope of their practice. Medically qualified staff must meet the qualifications as outlined in OAR 410-133-0120 Medically Qualified Staff. ¶

(2) Signing the school medical provider enrollment agreement sets forth the relationship between the State of Oregon, the Authority, and the SM provider and constitutes agreement by the SM provider to comply with all applicable rules of the Authority, the Division, and federal and state laws or regulations. (See OARs chapter 943 division 120 and Division General Rules chapter 410 division 120). (1) Payment shall be made for School-Based Health Services (SBHS) in accordance with OARs: 410-120-1340, 943-120-0350, and 410-133-0245. ¶

(2) SBHS provided pursuant to a child or young adult's Individual Plan of Care (IPOC) shall be reimbursed through cost-sharing. Cost-sharing is a federal financial participation reimbursement that requires a public unit of government to pay the non-federal share pursuant to 42 CFR 433.51. ¶

(3a) The school medical (SM) provider will bill for covered services provided to Medicaid-eligible students in accordance with Authority chapter 943 division 120 Provider rules, the Division rules chapter 410 division 120 and these School-Based Health Services (SBHS) rules. Payments will be made through the Medicaid Management Information System (MMIS) and the SM provider must retain the full payment for the covered services provided. The SM provider must have a Trading Partner Agreement (TPA) with the Department prior to submission of electronic transactions. ¶

(4) School-based health services (SBHS) authorized under these rules is a cost-sharing Federal Financial Participation (FFP) matching program in which the Education Agency (EA) SM provider that is a public entity unit of government, is responsible for paying the non-federal matching share of the amount of the SBHS claims, tion agency is responsible for paying the non-federal share for each payable school-based health service. ¶

(b) The non-federal share is calculated using the Federal Medical Assistance Percentage (FMAP) rates in effect during the quarter when the SBHS claims will be paid. ¶

(a) The unit of government public education agency SM provider's share means the public funds share of the Medicaid payment amount. service is reimbursed. ¶

(c) Pursuant to 42 CFR 433.51, public funds may be considered as the Sstate's (non-federal) share in claiming federal financial participation (FFP) if the public funds meet the following conditions: ¶

(A) The public funds are transferred to the Authoritstate agency from the public entities that are units of government; ¶

(B) The public funds are not federal funds, or they are federal funds authorized by federal law to be used to match other federal funds; and ¶

(C) All sources of funds must be allowable under 42 CFR 433 Subpart B; ¶

(b3) The unit of government EA SM provider must pay its non-federal matching share portion for claims submitted to the Authority in accordance with OAR 410-120-0035. ¶

(5) Before the Authority pays for SBHS claims, the Authority must receive the SM provider's corresponding local match payment as described in this rule. Failure to timely pay the non-federal matching funds to the Authority will delay reimbursement of claims and may require the SM provider to resubmit the claims. Before reimbursement, the Authority must receive the school medical provider's corresponding non-federal share payment. ¶

(64) The Authority will not be financially responsible for payment of any claim or service that the Centers for Medicare and Medicaid Services (CMS) disallows under the Medicaid program. If the Authority has previously paid the SM provider for any claim which the CMS school medical provider any such claim, the school

~~mediscallows, the SM provider must reimburse the Authority the amount of the claim that the Authority has paid to the SM provider, less any amount previously paid by the unit of government EA SM Provider to the Authority for purposes of reimbursing the Department, less any amount previously paid for the non-federal matchshare portion of that claim, to the Authority.~~

Statutory/Other Authority: ORS 413.042, 414.065

Statutes/Other Implemented: ORS 414.065

AMEND: 410-133-0100

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details education agency requirements to participate in Medicaid claiming for school-based health services provided by medically-qualified individuals.

CHANGES TO RULE:

410-133-0100

School Medical Provider Requirements ¶

The ~~S~~school ~~M~~medical-(SM) provider is responsible to:¶

(1) ~~Enroll with the Authority's Division, Medical Assistance Programs to provide health services and comply with all the requirements in the Authority's provider rules OAR chapter 943 division 120, General Rules OAR chapter 410 division 120, and SBHS 410-133-0140 in these rules, applicable to enrollment as a provider as a school medical provider with the Authority in compliance with OARs: 410-120-0310 through 0350; 410-120-1260; and 943-120-0320.~~¶

(2) ~~Provide health services pursuant to the Medicaid-eligible student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) for special child or young adult's Individual Plan of Care (IPOC).~~¶

(3) ~~Ensure health services are provided by medication under OAR chapter 581, division 15.~~¶

(3) ~~Provide hllly-qualified individuals in compliance with School-Based Health sServices using medically qualified staff (see 410-133-0120 Medically Qualified Staff in these rules(SBHS) rules (OARs Division 410, Chapter 133).~~¶

(4) ~~Provide for appropriate medical supervision by licensed medically-qualified staff individuals consistent with their each medically-qualified individual's respective scope of practice and licensing board requirements.~~¶

(5) ~~Document health services in writing as required in OARs 410-120-1360 and 410-133-0320.~~¶

(6) ~~Maintain and retain adequate medical and financial records as part of the Medicaid-eligible student's education record, in compliance with OAR 410-120-1360, necessary to fully disclose the extent of the covered health services provided.~~¶

(7) ~~Make the records required by these rules and specifically OAR 410-133-0320 available for a period of seven years from the date of payment as part of the child or young adult's education record.~~¶

(87) ~~Document costs and establish a schedule of cost rates per discipline in accordance with SBHS OAR 410-133-0245.~~¶

(98) ~~Provide access for on-site review of IDEA Medicaid-eligible students', in compliance with OARs 410-120-1360, 410-120-1396, 410-120-1510, 943-120-0180, 943-120-0310, and 943-120-1505, for on-site review of the service-delivery location and education records of Medicaid-enrolled children or young adults if such records are directly related to payments for claims to the SMschool medical provider for Medicaid-covered health-related services specified on an IEP or IFSP and furnish such information the child or young adult's IPOC. Such information must be provided to any state or federal agency responsible for administration or oversight of the mMedical assistance program as the state or federal agency may from time to time request in compliance with OAR 943-120-0310id program.~~¶

(109) ~~Document any changes in the Individualized Education Program/Individualized Family Service Plan (IEP/IFSP) Medicaid-enrolled child or young adult's IPOC related to the provision of Medicaid-covered health services under School-Based Health Services (SBHS) SBHS.~~¶

(110) ~~Assure that SBHS services billed Make certain that SBHS are billed in accordance with OAR 410-120-0035; reflect covered health services, and do not reimburse for non-covered education services or administrative activities.~~¶

(12) ~~Retain the full payment amount for Medicaid-covered services provided and SBHS OARs Chapter 410, Division 133.~~¶

(131) ~~Utilize procedures to confirm that all Confirm each individuals providing health services SBHS to Medicaid-eligible students, whether nrolled children or young adults, as an employees or under contract with the SMschool medical provider, are is eligible to provide Medicaid services and are not excluded from providing Medicaid services. Exclusion means t. The Authority wish all not reimburse an SM-provider (allied agency) who employs school medical provider for a service provided by a medically-licensed individual who has defrauded or abused the Authority for items or services furnished by that individual. (See OAR 410-120-1400 Provider Sanctions, OAR 410-133-0120 Medically Qualified Staff, and 410-133-0200 Not Covered Services.)~~¶

(14) ~~Comply with all applicable provisions of the Authority's rules chapter 943 division 120 and the Division General Rules Chapter 410 division 120, including rules related to the use of billing providers. If the SM-provider seeks to submit claims to the Authority electronically, it must eThe Authority's Office of Program Integrity maintains a list of excluded providers on the State Medicaid Fraud Convictions website. The U.S. Department of~~

Health and Human Services' Office of the Inspector General maintains, with monthly updates, a complete database of individuals and entities currently excluded from Federally funded health care programs.¶
(12) Comply with the all applicable provisions of the Department's Electronic Data Interchange (EDI) rules for EDI transactions. OROARs: Chapter 943, Division 120; Chapter 943410, Division 120. EDI does not include electronic transmission by web portal; and Chapter 410, Division 133.
Statutory/Other Authority: ORS 413.042, 414.065
Statutes/Other Implemented: ~~ORS 413.042, 414.065~~

AMEND: 410-133-0120

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details recognized medically-qualified individuals that may provide school-based health services.

CHANGES TO RULE:

410-133-0120

Medically Qualified Staff Individuals.

~~(1) The school medical (SM) provider shall furnish covered health services through the medically qualified staff who School-Based Health Services (SBHS) must be provided and documented by medically-qualified individuals that meet the respective federal requirements of 42 CFR 440.1 through 440.185 and that provide health services within their scope of their licensure. The SM provider shall document the credentials and qualifications, updated periodically, of all practice and in compliance with their respective board rules and requirements.~~

~~(2) The school medical provider shall:~~

~~(a) Furnish covered health services through medically-qualified individuals.~~

~~(b) Employ or contract with medically-qualified individuals that are eligible to provide Medicaid services in accordance with OARs 410-120-1260, 410-120-1396, and 410-120-1510.~~

~~(c) Maintain and retain credentials and qualifications records for each medically-qualified staff. The SM provider credential file shall document the manner in which the individual, staff or contractor, providing SBHS in the district in compliance with OAR 410-120-1260. Credentials and qualifications documentation must:~~

~~(A) Comply with the provider enrollment agreement (OHP 3120); and~~

~~(B) State the process by which the school medical provider checked, and periodically re-checked, the Medicaid provider exclusion list to confirm that each medically-qualified staff individual is eligible to provide health services to Medicaid-eligible students in compliance with provider enrollment agreement attachment OHP 3120. Special education teachers are not recognized as enrolled children and young adults.~~

~~(3) Medically-qualified individuals providing services in education settings must document each service in compliance with their respective board rules and OAR 410-120-1360.~~

~~(4) Medically-qualified staff for these services. See <http://oig.hhs.gov/exclusions/index.asp>.~~

~~(2) School-based health services are delivered by providers who meet the federal requirements listed below and who operate individuals with the following qualifications are recognized by the Authority to provide Medicaid-covered SBHS in education settings:~~

~~(a) A licensed audiologist providing and documenting services within their scope of their health care practitioner's license or certification pursuant to state law as follows:~~

~~(a) Evaluation and physical therapy treatment practice and in compliance with Oregon Board of Examiners for Speech-Language Pathology and Audiology's OARs shall be provided by licensed physical therapists that meet the federal requirements of 42 CFR 440.110 and are licensed by the state Physical Therapist Licensing Board. Licensed physical therapists assistants whose function is to assist the physical therapist in patient-related activities and to perform delegated procedures that are commensurate with the licensed therapist assistant's education and training may provide therapy treatments under th~~pter 335.

~~(b) A licensed psychiatrist providing and documenting services within their scope of practice and in compliance with Oregon's Medical Practice Act and the Oregon Medical Board's OARs Chapter 847.~~

~~(c) A licensed psychologist providing and documenting services within their scope of practice and in compliance with Board of Psychology's OARs Chapter 858.~~

~~(d) A psychologist associate, practicing under the supervision of a licensed psychologist or with authority to function without immediate supervision, and direction of a state licensed physical therapist providing and documenting services within their scope of the health care practitioner's license and accreditation pursuant to state law;~~practice and in compliance with Board of Psychology's OARs Chapter 858.

~~(be) Occupational therapy evaluation and treatments shall be provided by licensed occupational therapists that meet the federal requirements of 42 CFR 440.110 and are licensed by the state Occupational Therapy Licensing Board. A psychology technician, performing allowable services under the supervision of a psychologist, and providing and documenting services within their scope of practice and in compliance with Board of Psychology's OARs Chapter 858.~~

~~(f) A Licensed occupational therapist assistants whose function is to assist the occupational therapist in patient-related activities and to perform delegated procedures that are commensurate with the license~~Professional Counselor (LPC) providing and documenting services within their scope of practice and in compliance with Board of Licensed Professional Counselors and tTherapist assistant's education and training may provide therapy treatments under the supervision and direction of a state licensed occupational therapists' OARs Chapter 833.

(g) A Licensed Marriage and Family Therapist (LMFT) providing and documenting services within their scope of the health care practitioner's license and accreditation pursuant to state law and in compliance with Board of Licensed Professional Counselors and Therapists' OARs Chapter 833.

(h) Speech therapy evaluation and treatments shall be provided by speech pathologists that meet the federal requirements at 42 CFR 440.110 and are licensed by the state Board of Examiners for Speech-Language Pathology and Audiology or hold a license issued by the Teacher Standards and Practice Commission (TSPC) prior July 1, 2016, exemption in ORS 681.230(4) pursuant to SB287 and hold a Certificate of Clinical Competency from the American Speech-Language-Hearing Association or has completed the equivalent educational requirements and work experience necessary for the certificate or has completed the academic program and is acquiring supervised work experience to qualify for the certificate. A Licensed Clinical Social Worker (LCSW) providing and documenting services within their scope of practice and in compliance with Board of Licensed Social Workers' OARs Chapter 877.

(i) A Clinical Social Work Associate (CSWA), holding an unrestricted certificate and practicing under an approved plan of practice and supervision with a LCSW, and providing and documenting services within their scope of practice and in compliance with Board of Licensed Social Workers' OARs Chapter 877.

(A) Speech therapy services may be provided by a graduate speech pathologist be a licensed dentist providing and documenting supervised in the Clinical Fellowship Year (CFY) and shall be provided in compliance with supervision requirements of the state licensing board and the American Speech-Language-Hearing Association (ASHA).

(B) A Certified Speech-Language Pathology Assistant (SLPA) performing services within their scope of practice and in compliance with Oregon Board of Dentistry's OARs Chapter 818, Oregon Dental Practice Act.

(k) An expanded practice dental hygienist, practicing under the general supervision of a licensed dentist, and providing and documenting services within their scope of practice may provide therapy under the supervision of a state licensed speech language pathologist within the scope of the health care practitioner's license and accreditation pursuant to state law meeting the requirements for speech pathologist and in compliance with Oregon Board of Dentistry's OARs Chapter 818, Oregon Dental Practice Act.

(L) A licensed dental therapist, practicing dental therapy under the supervision of a dentist and pursuant to a collaborative agreement with the dentist, as above described in (c). Excludes services described in OAR 335-095-0040, Qualifications for Supervising Speech-Language Pathology Assistants; see OAR 410-133-0200 Not Covered Services.

(d) Audiology evaluation and services shall be provided by audiologists that meet the federal requirements at 42 CFR 440.110.

(e) Nurse evaluation and treatments shall be provided by or under the direction of registered nurses (RN) licensed to practice in Oregon and providing and documenting services within their scope of practice and in compliance with Oregon Board of Dentistry's OARs Chapter 818, Oregon Dental Practice Act.

(m) A Nurse Practitioner (NP) providing and documenting services within their scope of practice and in compliance with the Oregon State Board of Nursing or n's OARs Chapter 851, Oregon Nurse Practitioners that meet the federal requirements at 42 CFR 440.166 and are licensed by the Oregon State Board of Nursing to practice in Oregon as a Nurse Practitioner (See Act).

(n) A Registered Nurse (RN) providing and documenting services within their scope of practice and in compliance with Oregon State Board of Nursing Nurse Practice Act, OAR Chapter 851 divisions 4547 and Nurse Practitioners, OAR chapter 851 division 050.

(A), Oregon Nurse Practice Act.

(o) A Licensed Practical Nurse (LPN) may participate in the implementation of the plan of care for providing care to clients under the supervision of a licensed registered nurse, nurse practitioner, or physician pursuant to, practicing under the clinical direction of a RN, NP, or physician who meets the standards of licensing or certification for the health service provided, and providing and documenting services within their scope of practice and in compliance with the Oregon State Board of Nursing Nurse Practice Act, OAR divisions 045 and 047.

(B) Treatment may also be provided by a delegated health care aide that is a non-licensed person trained and supervised by a licensed registered nurse (RN) or nurse practitioner (NP) to perform selected tasks of nursing care pursuant to OARs Chapter 851, Oregon Nurse Practice Act.

(p) An Unregulated Assistive Person (UAP) performing a specific nursing task that has been delegated to the UAP by a RN or NP. The delegating nurse retains accountability for the nursing procedure and must document services within their scope of practice and in compliance with the Oregon State Board of Nursing administrative rules, division 047 of the OARs Chapter 851, Oregon Nurse Practice Act.

(fg) Psychological/mental health evaluations, testing, psychological services and treatments shall be provided by individuals who meet the relevant requirements of their respective professional state licensure as follows:

(A) Psychiatrists must be licensed to practice medicine A licensed dietician providing and documenting services within their scope of practice and in compliance with Oregon Board of Licensed Dietitians' OARs Chapter 834.

- (r) A licensed Occupational Therapist (OT) providing and documenting services within their scope of practice and in compliance with the Oregon Medical Board;
- (B) Psychologists must have one of the following: A doctoral degree in psychology obtained from an approved doctoral program in psychology accredited by Occupational Therapy Licensing Board OARs Chapter 339, Occupational Therapy Practice Act.
- (s) A Certified Occupational Therapist Assistant (COTA), providing occupational therapy treatment under the American Psychological Association (APA), a doctoral degree in psychology from a program at a college or university that is regionally accredited at the doctoral level that meets the requirements approved by the state Board of Psychologist Examiners (Board) by rule (see supervision of a licensed occupational therapist, and providing and documenting services within their scope of practice and in compliance with Oregon Occupational Therapy Licensing Board OARs Chapter 339, Occupational Therapy Practice Act.
- (t) A licensed Physical Therapist (PT) providing and documenting services within their scope of practice and in compliance with Oregon Board of Physical Therapy OARs Chapter 858-Division 10), and have two years of supervised employment under the direction of a psychologist licensed in Oregon or under the direction of a person considered by the board to have equivalent supervisory competence;
- (C) Psychologists associates granted independent status by the Board for authority to function without immediate and direct supervision in compliance with OAR 858-010-0039. Until the psychologist associate successfully obtains independent status, the "psychologist associate resident" must not practice without immediate supervision, but must at all times be under the periodic direct supervision of a licensed psychologist or under the direction of a person considered by the board to have equivalent supervisory 48.
- (u) A licensed Physical Therapist Assistant (PTA), providing physical therapy treatment under the supervision of a licensed physical therapist, and providing and documenting services within their scope of practice and in compliance with Oregon Board of Physical Therapy OARs Chapter 848.
- (v) A Medical Doctor (MD) providing and documenting services within their scope of practice and in compliance with Oregon's Medical Practice Act and the Oregon Medical Board's OARs Chapter 847.
- (w) A Doctor of Osteopathic Medicine (DO) providing and documenting services within their scope of practice and in compliance with Oregon's Medical Practice Act and the Oregon Medical Board's OARs Chapter 847.
- (x) A Doctor of Podiatric Medicine (DPM) providing and documenting services within their scope of practice and in compliance with Oregon's Medical Practice Act and the Oregon Medical Board's OARs Chapter 847.
- (y) A Physician Assistant (PA), practicing under a written collaboration agreement signed by a physician, and providing and documenting services within their competency who shall continue to be responsible for the p of practice and in compliance with Oregon's Medical Practice of the associate, see OAR 858-010-0037 through 858-010-0039; Act and the Oregon Medical Board's OARs Chapter 847.
- (Dz) Psychologists associates who do not possess a doctoral degree and are deemed competent to perform certain function
A licensed respiratory therapist, practicing under the direction of a licensed physician, and providing and documenting services within the practice of psychology under the periodic direct supervision of a psyir scope of practice and in compliance with Oregon's Respiratory Therapist and Polysomnographic Technologist H licensed by the Board;
- (i) Complied with all the applicable provisions of ORS 675.010 to 675.150;
- (ii) Received a master's degree in psychology from a psychology program approved by the Board by rule;
- (iii) Completed an-ing Board's OARs Chapter 331, Divisions 705-740.
- (aa) A licensed Speech-Language Pathologist (SLP) providing and documenting services within their scope of practice and in compliance with Oregon Board of Examinternship in an approved educational institution or one year of other training experience acceptable to the Board, such as supervised professional experience under the direction of a psychologist licensed in Oregon or under the direction of s for Speech-Language Pathology and Audiology's OARs Chapter 335.
- (bb) An educator licensed and endorsed, prior to July 1, 2016, by the Teacher Standards and Practice Commission (TSPC) with a Communication Disorder endorsement (speech language pathology), exempted in ORS 681.230(4) pursuant to SB287, who meets the following requirements:
- (i) Holds a p
erson considered by the Board to have equivalent supervisory competence; and
- (iv) Furnishes proof acceptable to the Board of at least 36 months, exclusive of internship, of full-time
ificate of Clinical Competency (CCC) from the American Speech and Hearing Association (ASHA); or
- (ii) Has completed the equivalent educational requirements and work experience satisfactory to the board under the direct supervision of a licensed psychologist in Oregon or under the direct supervision of a person considered by the Board to have equivalent supervisory competence.
- (E) Testing technicians under the supervision of a licensed psychologist. A licensee may delegate admininecessary for the certificate; or
- (iii) Has completed the academic program and is acquiring supervised work experience to qualify for the

certificate; or ¶

(iv) Is authorized to administer speech therapy to an individual when the individual is a child or young adult eligible for special education, as defined by stratation and scoring of tests to technicians as provided in ORS 675.010(4) and OAR 858-010-0002;¶

(F) Services provided by Clinical Social Work Associate (CSWA) or Licensed Clinical Social Workers (LCSW): Must possess a master's degree from an accredited college or university accredited by the Council on Social Work Education and have completed the equivalent of two years of full-time experience in the field of clinical social work in accordance with rules of thee or federal law, receiving speech therapy services pursuant to an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP).¶

(cc) A speech-language pathologist in their Clinical Fellowship Year (CFY), practicing under the supervision of a licensed speech-language pathologist, and providing and documenting services within their scope of practice and in compliance with Oregon State Board of Social Workers for a LCSW or whose plan of practice and supervision has been approved by the board for a CSWA working toward LCSW licensure under the supervision of a LCSW for two years of postmasters clinical experience and is licensed by the Board of Licensed Social Workers to practice in Examiners for Speech-Language Pathology and Audiology's OARs Chapter 335.¶

(dd) A licensed Speech-Language Pathology Assistant (SLPA), practicing under the supervision of a licensed speech-language pathologist, and providing and documenting services within their scope of practice and in compliance with Oregon-See Board of Licensed Social Workers, chapter 877, division 20, Rules Applicable to Certification and Licensing Examiners for Speech-Language Pathology and Audiology's OARs Chapter 335.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ~~ORS 413.042, 414.065~~

RULE SUMMARY: Details OHP provider enrollment requirements for education agencies and medically-qualified individuals referring and/or rendering school-based health services.

CHANGES TO RULE:

410-133-0140

School Medical Provider Enrollment Provisions

~~(1) This rule applies only to providers to education agencies seeking Medicaid reimbursement from the Division, except as otherwise provided in OAR 410-120-1295.~~

~~(2) Only Educational Agency (EA) providers of SBHS that or Medicaid-covered School-Based Health Services (SBHS). Enrollment the criteria for the provision of special education programs approved by the State Superintendent of Public Instruction qualifying such programs for state reimbursement under OAR 581-015-2005 will be enrolled with the Division as school medical (SM) providers allowed to seek reimbursement for the provision of covered health services pursuant to a Medicaid-eligible child's Individual with the Authority is subject to and in compliance with OAR 410-120-1260.~~

~~(2) Education agencies must be enrolled with the Authority to bill and receive reimbursement for Medicaid-covered SBHS.~~

~~(3) Supervisory-level medically-qualified Education Program (IEP) or Individualized Family Service Plan (IFSP).~~

~~(3) The provider enrollment process will consist of: The completion and submission of the School Medical (SM) provider enrollment application and the required attachments, disclosure documents, and provider agreement with the Division of Medical Assistance Programs.~~

~~(4) An approved enrollment application by the Division or the Authority unit responsible for enrolling the SM provider is a contractual agreement that binds the SM provider to comply with the Authority administrative individuals providing services in education settings, for which the education agency intends to seek Medicaid reimbursement, must be enrolled with the Authority and must be entered as the referring provider on the school medical claim for the service.~~

~~(4) Education agencies enrollment as school medical providers with the Authority:~~

~~(a) Education agencies may enroll with the Authority as school medical providers subject to and in compliance with SBHS rules OAR 943-120-0300 through 943-120-0380, the Division and OARs 410-120-1260 and 943-120-0320.~~

~~(b) To enroll and maintain General Rules 410-120-1260 and School-Based Health Services (SBHS) rules.~~

~~(5) Signing the SM provider agreement enclosed in the application package constitutes agreement by performing, and billing providers for provision of SBHS to comply with all applicable rules of the Medical Assistance Program and federal and state laws and regulations.~~

~~(6) An SM provider is a performing provider. A performing provider enrollment as a school medical provider with the Authority, an education agency must:~~

~~(A) Have a current, active National Provider Identifier (NPI);~~

~~(B) Submit updates to Oregon Health Plan Provider Enrollment within thirty (30) calendar days of the change under is the provider of a service or item. A billing provider is an individual, agent, business, corporation, clinic, group, institution, or other entity who in connection with the submission of claims to the Authority, receives or directs the payment (either in the name of the pEDMS Coversheet. Changes include address, contact information, NPI, and Federal Tax Identification Number (TIN); and~~

~~(C) Notify the Authority if a medically-qualified staff member performing provider or the name of the billing provider) from the Authority, on behalf of a performing an agent or managing employee of the school provider and has been delegated the authority to obligate or act on behalf of the performing provider (See OAR 410-120-1260);~~

~~(a) A billing provider is responsible for identifying to the Division and keeping current the identification of all performing providers for whom they bill, or receive or direct payments. This identification must include the providers' names, Authority provider numbers, NPIs, and either the performing provider's Social Security Number (SSN) or Employer Identification Number (EIN). The SSN or EIN of the performing provider cannot be the same as the Tax Identification Number (TIN) of the billing provider. In order to facilitate timely claims processing and claims payment consistent with applicable privacy and security requirements, the Authority requires convicted of a criminal offense related to that person's involvement in any program under Medicare or Medicaid.~~

~~(5) An enrolled school medical provider is a billing provider for Medicaid-covered SBHS and may seek reimbursement for the provision of Medicaid-covered SBHS pursuant to a Medicaid-enrolled child or young adult's Individual Plan of Care (IPOC). A billing providers to be enrolled consistent with the provider enrollment~~

process described in OAR 410-120-1260(7);¶

(b) If the SM performing provider uses electronic media to conduct transactions with the Authority, or authorizes a billing provider to conduct such electronic transactions, the SM performing provider must comply with the Electronic Data Interchange (EDI). Enrollment as a SM performing provider or billing provider is a necessary requirement for submitting electronic claims, but the provider must also register as a trading partner and identify the EDI Submitter;¶

(c) A school medical (SM) performing provider that uses electronic media to conduct transaction with the Authority or authorizes a billing provider to conduct such electronic transactions, must comply with the electronic data interchange (EDI). Enrollment as an SM performing provider or billing provider is a necessary requirement for submitting electronic claims. If the SM provider intends to use an electronic data interchange (EDI) submitter, the SM performing provider must register with the Authority as a trading partner and shall complete the "Trading Partner Authorization of EDI Submitter" and the EDI submitter information required in the application in compliance with the trading partner requirements of identifying the authority of the EDI submitter to submit claims on its behalf. The EDI submitter must sign the EDI certification and meet other Authority EDI submission requirements pursuant to the EDI rules, before the Authority may accept an electronic submission from the EDI submitter on behalf of the performing provider. Information about the EDI transaction requirements is available on the Authority's web site.¶

(7) To be enrolled and able to bill as an SM provider, an EA, must meet applicable licensing and regulatory requirements set forth by federal and state statutes, regulations, and rules and must comply with all Oregon statutes and regulations for provision of Medicaid and State Children's Health Insurance program (SCHIP) services. In addition, all providers of services within the State of Oregon must have a valid Oregon business license if such a license is a requirement of the state, federal, county or city government to operate a business or to provide services, in connection with the submission of claims to the Authority, receives and directs the payment from the Authority. A billing provider is responsible to:¶

(a) Bill Medicaid-covered SBHS and receive and direct payments on behalf of medically-qualified individuals providing Medicaid-covered services in education settings pursuant to a child or young adult's IPOC.¶

(b) Report to the Authority current identification of each medically-qualified individual providing Medicaid-covered services in the school medical provider's district pursuant to a child or young adult's IPOC. Identification must include the medically-qualified individual's: ¶

(A) Full legal name; ¶

(B) National Provider Identifier (NPI);¶

(C) Medicaid Provider ID (if applicable); and ¶

(D) Either the Social Security Number (SSN) or Employer Identification Number (EIN). The SSN or EIN of the performing provider cannot be the same as the Tax Identification Number (TIN) of the billing provider.¶

(c) Comply with Oregon Health Plan electronic business practices when Electronic Data Interchange (EDI) practices are used for Medicaid eligibility verification or Medicaid claims submission.¶

(86) An EA, individual, or organization that is currently subject to sanction by the Medical Assistance Program or Federal government is not eligible for medically-qualified individual, to enroll and maintain enrollment.¶

(9) T with the Authority requires compliance with th, must:¶

(a) Have a current, active National Provider Identification (NPI) requirements in 45 CFR Part 142. Providers that obtain an NPI shoulder (NPI).¶

(b) Submit updates their records with the Division Provider Enrollment. Provider applicants that have been issued an NPI must include that NPI number with the Division provider enrollment application.¶

(10) A performing provider number will be issued to an EA providing covered health care services or items upon:¶

(a) Completion of the application and submission of the required School-Based Health Services SM Provider Attachment, disclosure documents, and provider agreement;¶

(b) The signing of the SM provider application by the authorized representative for the EA to bind the EA-SM provider to compliance with these rules;¶

(c) Verification of licensing or certification. Loss of the appropriate licensure or certification or failure to meet the criteria for the provision of special education programs approved by the State Superintendent of Public Instruction qualifying such programs for state reimbursement under OAR 581-015-2005 will result in immediate dis-enrollment of the provider and recovery of payments made subsequent to the loss of licensure or certification;¶

(d) Approval of the application and required documentation for an SM provider by the Division or the Division responsible for enrolling the Oregon Health Plan Provider Enrollment within thirty (30) calendar days of the change under the EDMS Coversheet. Changes include address, contact information, NPI, and Federal Tax Identification Number (TIN). A school medical provider contact may submit updates on behalf of medically-qualified individuals that are employed by the school medical provider when listed as a provider contact on the medically-qualified individual's Authority provider file.¶

(117) An SM performing authority Medicaid provider may be enrolled retroactive to the date services were provided to a medical assistance client/child if:

(a) The SM provider met the criteria for the provision of special education programs approved by the State Superintendent of Public Instruction qualifying enrollment process:

(a) For an education agency enrolling as a such programs for state reimbursement under OAR 581-015-2005, was appropriately licensed, certified, and otherwise met all Medicaid medical provider, the Educational Assistance Program requirements at the time services were provided; and

(b) Services were provided less than 12 months prior to the date of application for medical assistance provider status as evidenced by the first date stamped on the paper claims(s) submitted with application materials for those services either manually or electronically; or

(c) Extenuating circumstances existed outside the control of the EA SM provider consistent with federal Medicaid regulations, with approval of the Division's Provider Services Unit Manager.

(12) Issuance of an Authority assigned SM provider number establishes enrollment of an EA as a provider for limited categories of services for the Medical Assistance Program applicable to the provision of Medicaid covered School Based Health Services (SBHS).

(13) An SM provider is required for providing and continuing to provide to the Authority accurate, complete and truthful information regarding their qualification for enrollment. The SM provider is responsible for notifying the Division in writing of a material change in any status or condition that relates to their qualifications or eligibility to provide SBHS including but not limited to change in any of the following information: changes address, business affiliation, licensure, ownership, certification, NPI, biltion agency must complete and submit a school medical provider enrollment application including the EDMS Coversheet (MSC 3970), all required Oregon Medicaid forms (i.e., OHA 3972, OHA 3974, and OHA 3975), and the Provider Enrollment Attachment (OHP 3120); or

(b) For supervisory-level medically-qualified individuals, the individual must complete and submit a provider enrollment application including the EDMS Coversheet (MSC 3970) and all required Oregon Medicaid forms.

(A) Required forms are unique to each discipline agents or Federal Tax Identification Number (TIN), change in status for meeting the criteria for the provision of special education programs approved by the State Superintendent of Public Instruction qualifying the EA's programs for state reimbursement under OAR 581-015-2005, if the SM provider or a person with an ownership or control interest, or an agent or managing employee of the SM provider has been convicted of a criminal offense related to that person's involvement in any program under Medicare, Medicaid, or Title XX services program, the SM provider must notify the Division in writing within 30 calendar days of the change:

(a) Failure to notify the Division of a change of federal tax identification number (TIN) may result in the imposing of a \$50 fine; and are available on the Oregon Health Plan Provider Enrollment website.

(B) The school medical provider may submit completed enrollment forms on behalf of medically-qualified individuals that are employed by the school medical provider.

(bc) Changes in business affiliation, ownership and control of information, criminal convictions, NPI, or federal tax identification number may require the submission of a new application;

(c) Payments made to providers who have not furnished Upon submission of a provider enrollment application, the Authority shall:

(A) Enroll a such notification as required by this rule or to a provider that has failed to submit a new application as required by this rule and OAR 410-120-1260 may be denied or recovered.

(14) For information regarding enrollment of Billing Providers (BP) and issuance of an Authority assigned BP Provider ID in compliance with Provider Rules see OAR 943-120-0300 through 943-120-1505, 410-120-1260 and 943-120-0100 through 943-120-0200.

(15) Provider termination:

(a) The SM provider may terminate enrollment at any time. The request must be in writing, via certified mail, return receipt requested. The notice shall specify the provider number to be terminated and the effective date of termination. Termination of the SM provider enrollment does not terminate any obligations of the Medicaid provider or supervisory-level medically-qualified individual that has satisfied the provider enrollment criteria;

(B) Notify the applicant if information is missing or invalid; or

(C) Deny enrollment if the school medical provider for dates of services during which the enrollment was in effect;

(b) The Division provider terminations or suspensions may be for, but are not limited to the following:

(A) Breaches of provider agreement;

(B) Failure to comply with the statutes, regulations and policies of supervisory-level medically-qualified individual has not satisfied the provider enrollment criteria.

(d) Upon enrollment, the Authority, Federal and State regulations that are applicable to the provider;

(C) When no claims have been submitted in an 18-month period. The provider must reapply for enrollment.

(16) When one or more of the requirements governing a provider's participation in the medical assistance

~~program are no longer met, the shall notify the contact listed on the provider enrollment application of the enrolled, assigned Medicaid Identification number.¶~~

~~(8) Authority shall revalidate all enrolled provider's medical assistance program provider number may be immediately suspended. The provider is entitled to a contested case hearing as outlined in at least every five (5) years subject to and in compliance with OAR 410-120-12600 to determine whether the provider's medical assistance program number will be revoked.¶~~

~~(9) Termination of provider enrollment is subject to and in compliance with OAR 410-120-1260.~~

~~Statutory/Other Authority: ORS 413.042, 414.065~~

~~Statutes/Other Implemented: ORS 413.042, 414.065~~

AMEND: 410-133-0160

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: States the requirement for a licensed practitioner's written recommendation to allow school-based health services to be claimed to Medicaid.

CHANGES TO RULE:

410-133-0160

Licensed Practitioner Recommendation ¶

~~Requests for payment for covered health services required by a Medicaid-eligible student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) must be supported by written recommendation from a physician or a licensed health care practitioner acting within the scope of their practice for reimbursement for Medicaid-covered SBHS pursuant to a Medicaid-enrolled child or young adult's IPOC must be supported by a current, within twelve (12) months of the treatment provided. The recommendation must be current for the treatment provided as specified on the IEP or IFSP date-of-service, written recommendation from a licensed health care practitioner.~~

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 414.065

AMEND: 410-133-0180

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Defines school-based health service duplication, its disallowance, and implications for duplicative reimbursement.

CHANGES TO RULE:

410-133-0180

Duplication of Service-~~¶~~

~~(1) The School Medical (SM) provider that utilizes a contractor to provide health services may only bill The Oregon Health Authority (Authority) or the Division of Medical Assistance Programs (Division) for health services may only bill a Medicaid-covered school-based health service provided by a contracted medically-qualified individual to the Authority when the school medical (SM) provider and the contracted provider medically-qualified individual have previously agreed that the contractor ~~wied individual shall not also bill~~ for the same service.¶~~

~~(2) Duplicate billings are is not allowed and payments will be recovered. Billings for health services to Medicaid-eligible students will be considered as duplicate if the same services are billed by more than one Educational Agency (EA) to address the same need. For example: an Education Service District (ESD) and a local school district cannot both bill the same. Reimbursement made as a result of duplicate billing shall be recovered.¶~~

~~(3) Duplicate billing occurs when a claim is submitted for a specific school-based health service (SBHS) provided to a child or young adult pursuant to their Individual Plan of Care (IPOC) when the same school-based health service is provided to the student.¶~~

~~(3) A unit of service can only be billed once; under one procedure code, under one provider number and billed for on the same date of service by another entity.~~

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 414.065

AMEND: 410-133-0200

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details items and time that may not be included in service time claimed for school-based health services.

CHANGES TO RULE:

410-133-0200

Services Not Covered Services ¶¶

- (1) ~~Education-based costs normally incurred to operate a school and provide an education are not covered for payment by the Authority. Oregon's School-Based Health Services (SBHS) program does not cover or reimburse for: ¶¶~~
- (2a) ~~Health services and treatment not documented on the Medicaid-eligible student's IEP or IFSP is not covered for pay~~ Services that are not specified on the child or young adult's Individual Plan of Care (IPOC): ¶¶
- (b) ~~Services that are not provided and documented by the Authority under the School-Based Health Services (SBHS) rules. ¶¶~~
- (3) ~~Reviewing records (exception: reviewing records as part of an evaluation to establish, re-establish, or terminate a SBHS covered health service on a Medicaid-eligible student's IEP or IFSP). ¶¶~~
- (4) ~~Meeting preparation. ¶¶~~
- (5) ~~Health services preparation including materials~~ medically-qualified individuals within their respective scope of practice and in compliance with their respective board rules and OAR 410-120-1360: ¶¶
- (c) ~~Record reviews as a stand-alone service: ¶¶~~
- (d) ~~Meeting preparation: ¶¶~~
- (6e) ~~Report writing (exception: report writing as part of preparation of initial evaluation and initial treatment plan to establish a covered health service on a Medicaid-eligible student's IEP or IFSP). as a stand-alone service: ¶¶~~
- (7f) ~~Correspondence. ¶¶~~
- (8) ~~Treatment and care coordination for an acute medical condition. (e.g., copying, mailing, etc.): ¶¶~~
- (9g) ~~Medication management not specific to mental health related services listed in the IEP/IFSP. ¶¶~~
- (10) ~~Purchase of an assistive technology device is not covered through SBHS. ¶¶~~
- (11) ~~Activities related to researching student names, determining Medical Assistance Program eligibility status, administrative activities such as data entry of billing claim forms, and travel time by service providers. ¶¶~~
- (12) ~~Family therapy where the focus of treatment is the family. ¶¶~~
- (13) ~~health services on the child or young adult's IPOC: ¶¶~~
- (h) ~~Purchase of an assistive technology device: ¶¶~~
- (i) ~~Activities related to determining Medicaid eligibility and enrollment status, administrative activities, and travel time by service providers: ¶¶~~
- (j) ~~Routine health nursing services provided to all students by school nurses and nursing intervention~~ children for acute medical issues in the school setting, e.g., students who become ill or are injured. ¶¶
- (14) ~~young adults by school nurses: ¶¶~~
- (k) ~~Educational workshops, training classes, and parent training workshops: ¶¶~~
- (15) ~~Regular transportation services to and from school: ¶¶~~
- (16) ~~Vocational services: ¶¶~~
- (17) ~~Screening services. ¶¶~~
- (18) ~~Evaluation services that are not performed by medically qualified staff within the scope of practice to establish, re-establish, or terminate a covered SBHS under IDEA. ¶¶~~
- (19) ~~Service provided to non-Medicaid students in a group, class, or school~~ fn) Services provided free-of-charge to non-Medicaid children of charge. If only Medicaid-eligible students are charged for the service, the care is free, and Medicaid will not reimburse for the service. The free care limitation does not apply to health services provided as a result of an educational agency's obligation to provide FAPE services, and the health service is identified on the Medicaid-eligible student's IEP/IFSP. This means that school medical providers may bill for covered health services provided to Medicaid-eligible students under IDEA even though they may be provided to non-Medicaid-eligible students for free as a part of FAPE. ¶¶
- (20) ~~Any non-medical unit of time spent on evaluations. ¶¶~~
- (21) ~~Recreational services. ¶¶~~
- (22) ~~Early and Periodic Screening, Diagnostic and Treatment (EPSDT) comprehensive examinations described in OAR 410-130-0245 are not authorized to be provided by school medical providers. ¶¶~~
- (23) ~~Services provided by an entity that employs an excluded provider. It is the obligation of the education agency~~

to utilize the excluded provider web site to check for providers who have been excluded from receiving any monies affiliated with Medicaid and Medicare service reimbursements.¶¶

(24) Covered health services listed on an IEP or IFSP for those dates of service when the IEP/IFSP is for young adults;¶¶

(o) Services provided by an entity that employs an excluded provider; ¶¶

(p) Covered health services performed on a date of service for which the child or young adult's IPOC has lapsed.¶¶

(25; or)¶¶

(q) Covered health services that do not have a current written recommendation by medically qualified staff within the scope of practice for the treatment provided as specified on the IEP or IFSP.¶¶

(26) Orientation and Mobility Training. Services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community.¶¶

(27) Using a rubber stamp to authenticate any entry for documentation of therapy provided to a student and billed to Medicaid for reimbursement for SBHS.¶¶

(28) Services provided by staff in an education setting licensed solely by the Teacher Standards and Practices Commission (TSPC). It is not sufficient for a state to use Department of Education provider qualifications for reimbursement of Medicaid-covered health services provided in an education setting.¶¶

(29) Services provided by speech-language pathology assistants in schools under the supervision of a speech-language pathologist who do not meet the requirements for a speech pathologist described in 410-133-0120 Medically Qualified Staff but instead holds either a basic, initial, standard, or continuing license in speech impaired issued by the Teacher Standards and Practices Commission and has obtained a permit from the Oregon Board of Examiners for Speech-Language Pathology and Audiology to supervise SLPA's in education settings under OAR 335-095-0055 Education-based costs normally incurred to operate a school and provide an education are not covered for Medicaid reimbursement by the Authority.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 414.065

AMEND: 410-133-0220

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details required claim elements for billing school-based health services.

CHANGES TO RULE:

410-133-0220

~~Billing and Payment.~~ ¶

~~(1) The School Medical (SM) provider must bill the Oregon Health Authority (Authority), also termed Department, in accordance with OARs: 410-120-0035; and must bill at a cost rate no greater than the education agency's cost rate for the applicable discipline reviewed and accepted by the Authority based on the cost determination process described in OAR 410-133-0245, 1280 and 943-120-0330. ¶~~

~~(2) Charges on each claim must be at or lower than the education agency's reviewed and accepted cost for the same service. ¶~~

~~(23) Services must be billed on a CMS-1500 or by electronic media claims (EMC) submission using only those procedure codes and modifiers specified for the School-Based Health Services (SBHS) program. If the SM provider submits their claims electronically, the SM provider must become a trading partner with the Authority and comply with the requirements for Electronic Data Interchange (EDI) pursuant to Chapter 943-Division 120 rules and Chapter 410-Division 120 rules. ¶~~

~~(3) using a professional claim format (i.e., paper CMS-1500 or electronic equivalent to the CMS-1500 form). ¶~~

~~(4) Timely filing: The Authority will accept a claim up to twelve (12) months from the date of service. See Department Provider Rules 943-120-0340 Claim and PHP Encounter Submission and General Rules 410-120-1300 Timely Submission of Claims. ¶~~

~~(4) Third party liability. In general, the Medicaid program is the payor of last resort and a provider is required to bill other resources before submitting the claim to Medicaid. This requirement means that other payment sources, including other federal or state funding sources, must be used first before the Authority can be billed for covered health services. However, the following exceptions apply to the requirement to pursue third party resources: ¶~~

~~(a) For health services provided under the Individuals with Disabilities Education Act (IDEA), Medicaid pays before Oregon Department of Education (ODE) or the Educational Agency (EA), to the extent the health service is a covered service provided to a Medicaid-eligible student documented as required under these rules, and subject to the applicable reimbursement rate; ¶~~

~~(b) If School-Based Health Services (SBHS) are provided under Title V of the Social Security Act (Maternal and Child Health Services Block Grant), Medicaid-covered Health Services provided by a Title V grantee are paid by Medicaid before the Title V funds; ¶~~

~~(c) The Centers for Medicare and Medicaid Services (CMS) recognize that while schools are legally liable to provide IDEA-related health services at no cost to the eligible students, Medicaid reimbursement is available for these services because section 1903(c) of the ACT requires Medicaid to be primary to the U.S. Department of Education for payment of the health-related services provided under IDEA. Once a service has been submitted on a claim within the 12-month timely filing limit, the school medical provider has an additional six (6) months to resubmit the denied claim or adjust the paid claim.~~

Statutory/Other Authority: ORS 413.042, 414.065

Statutes/Other Implemented: ORS 414.065

AMEND: 410-133-0245

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details how reimbursement rates are determined for school-based health services using a cost-based determination.

CHANGES TO RULE:

410-133-0245

Cost Determination and Payment ¶¶

(1) The Oregon Health Authority (Authority) ~~will~~ shall make ~~rate~~ cost determinations for the purposes of payment under OAR 410-133-0220 ~~School-Based Health Service (SBHS) payment rates~~ based on annual cost determinations submitted by local education agencies (EA's). ¶¶

(2) Cost determinations ~~will~~ for each education agency shall: ¶¶

(a) Be based ~~upon the EA's prior year's annual audited costs;~~ and the Oregon Department of Education's (ODE) approved current year indirect rate. ¶¶

(b) Establish an hourly ~~and 15~~ rate and a per-minute increment rate for the current year billed; ¶¶

(c) ~~Use the current year Oregon Department of Education (ODE) approved indirect rate for the EA;~~ ¶¶

(3) An EA shall not bill for more than its prior year's annual audited cost incurred during the previous year. There will be no required annual cost settlement for each EA, although calendar year for each covered SBHS discipline (e.g., physical therapy and nursing, as separate disciplines, shall each have a separate rate). ¶¶

(3) An education agency shall not bill for more than the rate prescribed by the Authority ~~may conduct reviews or audits of cost reports.~~ 's cost determination. ¶¶

(4) Data for cost determinations shall be submitted in a format prescribed by the Authority and in accordance with Oregon's Medicaid State Plan approved by the Centers for Medicare and Medicaid Services (CMS). ¶¶

(5) Cost determinations shall be completed for each covered service discipline ~~eligible for Medicaid billing.~~ If an EA does not receive a confirmation from the Authority indicating. ¶¶

(6) ~~Transportation costs shall~~ if ~~been received and accepted,~~ the EA may not submit payment requests for those services. Costs for services include: Nursing, Occupational Therapy, Physical Therapy, Speech Language Pathology, Audiology, Psychological, Delegated Health Care, and Clinical Social Work. The Authority's acceptance of the cost calculations submitted by the SBHS provider for rates per discipline based upon the School-Based Health Services' (SBHS) provider's previous year's audited costs and, if applicable, the current years indirect rates does not imply or validate the accuracy of the data submitted. ¶¶

(6) ~~Transportation costs for Medicaid-eligible children will be reimbursed when the~~ reimbursed when: ¶¶

(a) The need for medically necessary and appropriate specialized transportation is documented in the Medicaid-eligible child or young adult's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) for the Medicaid-eligible child documents the need for necessary and appropriate transportation. Transportation cost reimbursement rates are bas; ¶¶

(b) The transportation is provided in a specially adapted vehicle that has been physically adjusted or designed to meet the needs of the EA's prior year's audited costs for special education transportation and will be submitted in a format prescribed by the Department and in accordance to Oregon's State Plan approved individual child or young adult under Individuals with Disabilities Education Act (IDEA) to accommodate the child or young adult's specified health need; and ¶¶

(c) A separate school-based health service, other than transportation, is specified by on the Centers for Medicare and Medicaid Services (CMS) child or young adult's IEP or IFSP and provided and reimbursed on that day. ¶¶

(7) Costs for telehealth technologies used to provide SBHS ~~health-related services~~ are included in the cost for each service discipline and are not billed separately.

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 414.065

REPEAL: 410-133-0280

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Repeals unnecessary rule. These details are not appropriate in rule and should be listed in guidance.

CHANGES TO RULE:

~~410-133-0280~~

~~Rebilling~~

~~In order to correct a claim reimbursed for services provided to a Medicaid-eligible student, the School Medical (SM) provider must request an adjustment. The paid claim must be corrected on the Individual Adjustment Request Form (Division 1036) to allow revision of the original claim. Providers may perform online claim submissions and adjustments using the Authority's web portal. The link can be found at:~~

~~[http://www.oregon.gov/oha/healthplan/pages/\(providers.aspx](http://www.oregon.gov/oha/healthplan/pages/(providers.aspx). Rebilling additional units of service on a CMS-1500 for the same timeframe would be denied as duplicate services. See 410-120-1300 Timely Submission of Claims and 410-120-1397 Recovery of Overpayments to Providers - Recoupments and Refunds.¶~~

~~[ED. NOTE: Forms referenced available from the agency.]~~

~~Statutory/Other Authority: ORS 413.042, 414.065~~

~~Statutes/Other Implemented: ORS 413.042, 414.065~~

REPEAL: 410-133-0300

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Repeals unnecessary rule. These details are not appropriate in rule and should be listed in guidance.

CHANGES TO RULE:

~~410-133-0300~~

~~Procedure Codes~~

~~(1) The provider must use the procedure code from the School-Based Health Services table that best describes the specific service provided and a modifier that describes the discipline providing the service. Refer to 410-133-0080 Coverage for service requirements and limitations.¶~~

~~(2) Unit values equal 15 minutes of service unless otherwise stated. These time units must be documented in the Medicaid-eligible student's records under the services billed and accounted for under one code only.¶~~

~~(3) Visit. A service measurement of time for billing and reimbursement efficiency. One visit equals the school provider's hourly cost rate for category of service provided (i.e., occupational therapy, physical therapy, speech therapy, etc.) specified in an IEP or IFSP, divided by 60 to yield a cost per minute; per minute cost is then multiplied by amount of service time provided in minutes. For billing purposes, a visit is always presented as one visit.~~

~~Statutory/Other Authority: ORS 413.042, 414.065~~

~~Statutes/Other Implemented: ORS 413.042, 414.065~~

AMEND: 410-133-0320

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details required documentation and record keeping including retention, privacy, and portability.

CHANGES TO RULE:

410-133-0320

Documentation and Record Keeping Requirements.

- (1) Record keeping must conform and adhere to federal, state, and local laws and regulations.
- (2) Records must record history taken, procedures performed, tests administered, results obtained, and conclusions and recommendations made. The school medical provider is responsible for record keeping and documentation may be in the form of a "SOAP" (subjective objective assessment plan) note, or equivalent.
- (3) Providers will retain information necessary to support claims submitted to the Authority including: documentation and supervision of the specific in adherence to federal, state, and local laws and regulations including OAR 410-120-1360.
 - (2) Documentation for School-Based Health Services (SBHS) provided, the extent of the health service provided, the dates and the name and credentials of by medically-qualified individuals must:
 - (a) Be documented within the medically-qualified staff who provided the service to the Medicaid-eligible student for seven years from date of payment. This documentation must meet individual's respective scope of practice and in compliance with their requirements of and must be made available pursuant to the requirements in the General Rules, OAR 410-120-1360 Requirements for Financial, Clinical and Other Records. These requirements may be met if the information is included in the IEP or IFSP and the school medical provider maintains adequate supporting documentation at the time the service is rendered, consistent with the requirements of OAR 410-120-1360.
 - (a) Supporting documentation should:
 - (A) Be accurate, complete, and legible;
 - (B) Be typed or recorded using ink;
 - (C) Be signed by the respective board rules and requirements and OAR 410-120-1360.
 - (b) Include the child or young adult's diagnosis, medically necessary and medically appropriate need for the service, date of service, location and duration of service delivery, name of the medically-qualified individual performing the service including their credentials or position;
 - (D) Be signed and initialed in accordance with licensing board requirements for each clinical entry by the, name of the supervisory medically-qualified individual supervising the service;
 - (E) Be reviewed and authenticated by the supervising therapist in compliance with their licensing board requirements (Also see covered services 410-133-0080 and not covered services 410-133-0200.); (when applicable), and the full name and Medicaid ID of the child or young adult receiving the service.
 - (F) Be for cover annotated healthch time a service is provided as specifind signed for the service period indicatinitialed onby the Medicaid-eligible student's current IEP or IFSP.
 - (b) Corrections to entries must be recorded by:
 - (A) Striking out the entry with a single line that does not obliterate the original entry or amend the electronic record preserving the original entry; and
 - (B) Dating and initialing the correction.
 - (c) Late entries or additions to entries shall be documented when the omission is discovered with the following written at the beginning of the entry: "late entry for (date)" or "addendum for (date)."
 - (4) Supporting documentation for Medicaid reimbursed health services described in a Medicaid-eligible student's IEP or IFSP must be kept for a period of seven years as part of the student's education record, which may be findividual who provided the service or shall clearly indicate the individual who provided the service.
 - (3) Recordkeeping for SBHS provided by medically-qualified individuals must include:
 - (a) Information necessary to support each health service billed by the school medical provider pursuant to a child and kept separately by school health professionals and must include:
 - (a) A copy of the Medicaid-eligible student's IEP or IFSP as well as or young adult's Individual Plan of Care (IPOC) including:
 - (A) The child or young adult's IPOC including any addendum to the planIPOC that correlates with the covered health services provided and reimbursed by Medicaid;
 - (b) A notation of the diagnosis or condition being treated or evaluated, using specific medical or mental health diagnostic codes;
 - (c) Results of analysis of any mental health or medical analysis, testing, evaluations, or assessments for which

reimbursement is requested;¶¶

(d) Documentation of the location, duration, and extent of each health service provided, by the date of service, signed and initialed by medically qualified staff in accordance with their licensing board requirements (electronic records can be printed);¶¶

(e) The record of who performed the service and their credentials or position;¶¶

(f) The medical relief applicable, the Individual Education Program (IEP), Individualized Family Service Plan (IFSP), or Section 504 Accommodation to support the service;¶¶

(g) Periodic evaluation of therapeutic value and progress of the Medicaid-eligible student to whom a health service is being provided; Plan associated with the IPOC; and¶¶

(hC) Record of medical need for necessary and appropriate transportation to a covered health service is supported by a transportation vehicle trip log including specific date transported, client name, ID number, and point of origin and destination consistent with transportation services specified in the child's IEP or IFSP as part of record-keeping requirements; and the performing medically-qualified individual.¶¶

(ib) Attendance records for Medicaid-eligible students to support dates for covered services billed to Medicaid;¶¶

(j) In supervisory situations, the record documenting therapy provided must name both the assistant providing services and the supervising therapist including credentials. The licensed health care practitioner who supervises and monitors the assessment, care, or treatment rendered by licensed or certified therapy assistants shall meet the minimum standards required by their licensing board and shall co-sign for those services where appropriate with their name and professional titles (documentation may not be delegated except in emergency situations) Records and documentation must be retained by the school medical provider in compliance with OAR 410-120-1360.

Statutory/Other Authority: ORS 413.042, 414.065

Statutes/Other Implemented: ORS 413.042, 414.065

AMEND: 410-133-0340

NOTICE FILED DATE: 07/09/2024

RULE SUMMARY: Details Medicaid member rights and record confidentiality.

CHANGES TO RULE:

410-133-0340

Client Rights and Record Confidentiality. ¶¶

~~(1) School Medical (SM) providers are required to provide The Oregon Health Authority (Authority), the Division of Medical Assistance Programs (Division) must provide access to records and documentation that support claims submitted to the Authority for School-Based Health Service (SBHS) provided to Medicaid-enrolled children and young adults when requested by the Authority, the Department of Justice Medicaid Fraud Unit, Oregon Secretary of State, or the Department of Health and Human Services, or their authorized representatives, access to Medicaid-eligible student medical records when requested as a condition of accepting Medicaid reimbursement from the Authority. ¶¶~~

~~(2) Medicaid client rights of confidentiality. ¶¶~~

(2) Client rights of confidentiality for Medicaid-enrolled children and young adults must be respected in accordance with the provisions of 42 CFR Part 431, Subpart F and ORS 411.320. ¶¶

~~(3) School Medical providers are also subject to the confidentiality laws applicable to student records, including student medical records maintained as part of the education record.~~

Statutory/Other Authority: ORS 413.042

Statutes/Other Implemented: ORS 192.410-192.505