**STATE OF MAINE**

***JANET T. MILLS, GOVERNOR***

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**Guidance on Required Documentation for MaineCare Reimbursable Services**

**on the Individualized Education Program (IEP)**

**February 2020**

The following guidance is jointly issued by the Maine Department of Education (MDOE) and the Maine Department of Health and Human Services’ (DHHS) Office of MaineCare Services (OMS). This is intended to revise guidance previously issued on April 4, 2018 and provide clarity regarding the documentation needed for MaineCare reimbursable services on a student’s Individualized Education Program (IEP).

Per federal Medicaid requirements, for public schools to receive Medicaid (MaineCare) reimbursement for services provided to eligible students, those services and their associated frequency and intensity **must** be documented on a student’s IEP.

**Section 65 & Section 28 Services:**

Behavioral Health Day Treatment Services fall under **Section 65** of the MaineCare Benefits Manual (MBM). Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations fall under **Section 28** of the MBM.

The MDOE and OMS have determined that both Section 65 and Section 28 services should be documented in the “Supplementary Aids, Services, Modifications, and/or Supports” grid in Section 6 of the IEP. Please note that this is a departure from previously issued guidance that these services should be indicated on the “Special Education and Related Services” grid in Section 7 of the IEP.

A revision of Maine’s IEP will occur by August 1, 2020 to reflect this updated guidance. Until that time, Behavioral Health Day Treatment will continue to appear on the “Special Education and Related Services” grid. Initial IEPs and IEPs reviewed after March 2020 should document Behavioral Health Day Treatment Services (Section 65) and Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations (Section 28) under the “Supplementary Aids, Services, Modifications, and/or Supports” grid as indicated below.

Example:

**6. SUPPLEMENTARY AIDS, SERVICES, MODIFICATIONS, AND/OR SUPPORTS** (MUSER IX.3.A.(1)(d) & (g))

|  |
| --- |
| In addition to ongoing classroom supports and services, supplemental aids, and modifications, include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide and classroom assessments (MUSER IX.3.A.(1)(f)(i)).  |
| 1. **Supplementary aids, modifications, accommodations, services, and/or supports for SAU personnel**
 | **Location** | **Frequency** | **Duration****Beginning/End Date** |
|  |  |  |  |
| Behavior Supports-* Day Treatment
 | [x]  Classroom Instruction | Special Education Setting | As needed **OR** 5 times 6 hours per week. | 1/15/2020 -1/14/2021 |
| [ ]  Classroom Assessment  |
| [ ]  District-wide Assessment  |
| [ ]  State Assessment |
| Behavior Supports-* Rehabilitation and Community Supports
 | [x]  Classroom Instruction | Special Education and/or General Education Setting | As needed **OR** up to x hours per week | 1/15/2020 -1/14/2021 |
| [x]  Classroom Assessment  |
| [x]  District-wide Assessment  |
| [ ]  State Assessment |
| Behavior Supports-* Ed Tech/BHP
 | ☒ Classroom Instruction | Special Education and/or General Education Setting | As needed **OR** up to 5 times 6 hours per week | 1/15/2020-1/14/2021 |
| ☒ Classroom Assessment |
| ☒ District-wide Assessment |
| ☒ State Assessment |

**Related Services**

Under the current MaineCare School-Based Services policy, several related services are identified as MaineCare reimbursable. These include:

* Speech/Language Services
* Occupational Therapy
* Physical Therapy
* Nursing Services
* Specialized Transportation

These related services should be documented in the “Special Education and Related Services” grid in Section 7 of the IEP. The Centers for Medicare and Medicaid Services requires that MaineCare reimbursement for these services not exceed the frequency and intensity identified on the IEP.

Example:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Special Education Services** | **Position Responsible** | **Location** | **Frequency** | **Duration****Beginning and End Date** |
| Specially Designed Instruction | **Special Education Teacher** | Special Education Setting | 27 hours per week | 1/15/2020-1/14/2021 |
| Speech/Language Services |  |  |  |  |
| Consultation |  |  |  |  |
| Tutorial Instruction |  |  |  |  |
| Extended School Year |  |  |  |  |
| **Related Services** | **Position Responsible** | **Location** | **Frequency** | **Duration****Beginning and End Date** |
| Speech/Language Services | **Speech Therapist** | Special Education Setting | 2X 30 minutes per week | 1/15/2020-1/14/2021 |
| Occupational Therapy | **Occupational Therapist** | Special Education Setting | 2 X 30 minutes per week | 1/15/2020- 1/14/2021 |
| Physical Therapy | **Physical Therapist** | Special Education Setting | 1 X 30 minutes per week | 1/15/2020-1/14/2021 |
| Nursing Services | **Nurse** | Regular and Special Education Setting | 5 X 5 minutes per week | 1/15/2020-1/14/2021 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| BCBA Services **or** BCBA Consultation | **BCBA** | Regular and Special Education | 1 x 60 minutes per month | 1/15/2020-1/14/2021 |
| Behavioral Health Day Treatment | **DO NOT USE FOR DAY TREATMENT DOCUMENTATION**  |
| Transportation | **SAU** | Special Education Setting | 2 times per day, 5 times per week | 1/1/2020-12/31/2021 |

In order to ensure clarity regarding financial responsibility for services, school districts are encouraged to adopt policies and procedures that align with IDEA 300.154(a)(1):

**“The financial responsibility of each noneducational public agency described in paragraph (b) of this section, including the State Medicaid agency and other public insurers of children with disabilities, must precede the financial responsibility of the LEA (or the State agency responsible for developing the child's IEP).”**

It is important that the IEP team determine appropriate supplementary aids, services, modifications, supports, and necessary special education and related services *regardless* of identified funding sources. It is also important to note that the medical necessity of services and supports must be determined by appropriately licensed professionals.

**Technical Assistance**

Maine Department of Education’s Office of Special Services and OMS are available to provide technical assistance and training to school districts so that they maximize MaineCare funding to support services to eligible students.

For additional, information, please contact DOE’s Office of Special Services at 624-6713.

You may also visit <https://www.maine.gov/dhhs/oms/provider/school.html> for more information on School-Based Services and MaineCare.