



Guidance on Required Documentation for MaineCare Reimbursable Services on the Individualized Education Program (IEP) May 2021

Introduction

Under federal law, public schools may receive Medicaid (MaineCare, in Maine) reimbursement for health-related services required under the Individuals with Disabilities Education Act (IDEA) that are provided to eligible students, **only if** those services and their associated frequency and intensity are appropriately documented on a student's Individualized Education Program (IEP).

The Maine Department of Education (MDOE) and the Maine Department of Health and Human Services' (DHHS) Office of MaineCare Services (OMS) are reissuing joint guidance regarding documentation requirements for MaineCare reimbursable services on a student's IEP.

This guidance was originally distributed in February 2020, just prior to the COVID-19 public health emergency. We recognize that responding to the pandemic was a priority for everyone across the state, with schools among those entities most impacted. Therefore, we are reissuing the guidance to ensure that school personnel are aware of the requirements associated with IEPs and MaineCare reimbursement.

Joint Guidance IEP Training

The MDOE and DHHS will be offering two training opportunities regarding the documentation of Medicaid services as directed by this joint guidance. Training will be provided for school personnel and any other interested stakeholders to increase awareness and make sure that schools have the information they need to increase compliance.

The [first session](#) will be held on June 2, 2021 from 1-2 pm and the [second session](#) on June 16, 2021 from 9-10am.

Trainings will be posted after the event for those unable to attend.

Federal Law Requirements

MaineCare reimbursement for services provided in schools falls at the intersection of two complex federal law systems—those governing education, including the Individuals with Disabilities Education Act (IDEA), and the federal Medicaid laws. Medicaid is a joint federal-state program governed by Title XIX of the Social Security Act (Act). In 1988, Congress amended section 1903(c) of the Act to allow Medicaid payment for medical services provided to children under IDEA through a child's IEP.

As school administrators and school districts are aware, under IDEA, the IEP specifies all special education and "related services" that the child needs. The Medicaid program can pay for some of the "health related services" in an IEP if they are covered by the state's Medicaid plan or available through the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit, which provides screening and treatment for childhood health conditions.¹ The "health related services" which are Covered Services as listed in the [MaineCare Benefits Manual](#) may include, but are not limited to the following: Children's Behavioral Health Day Treatment, Occupational Therapy, Physical Therapy, Private Duty Nursing Services, Rehabilitative and Community Support Services for Children with Cognitive Impairments, and Speech and Hearing Services.

MaineCare reimbursement is only available for services and assessments that are medically necessary and provided by qualified and enrolled MaineCare providers. Reimbursement is not available for non-medical services such as Specially Designed or other Academic Instruction.

The purpose of this joint guidance is to explain the services for which MaineCare reimbursement is available, and to illustrate the manner in which these services must be documented on a child’s IEP or IFSP in order to meet federal law requirements for MaineCare reimbursement.

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.²

Behavioral Health Day Treatment Services (Section 65) and Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations (Section 28) should be documented 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)).				
A. Supplementary aids, modifications, accommodations, services, and/or supports for SAU personnel	Location	Frequency	Duration Beginning/End Date	
Behavior Supports- • Day Treatment	<input checked="" type="checkbox"/> Classroom Instruction <input type="checkbox"/> Classroom Assessment <input type="checkbox"/> District-wide Assessment <input type="checkbox"/> State Assessment	Special Education Setting	As needed OR 5 times 6 hours per week.	1/15/2020 -1/14/2021
Behavior Supports- • Rehabilitation and Community Supports	<input checked="" type="checkbox"/> Classroom Instruction <input checked="" type="checkbox"/> Classroom Assessment <input checked="" type="checkbox"/> District-wide Assessment <input type="checkbox"/> State Assessment	Special Education and/or General Education Setting	As needed OR up to x hours per week	1/15/2020 -1/14/2021
Behavior Supports- • Ed Tech/BHP	<input checked="" type="checkbox"/> Classroom Instruction <input checked="" type="checkbox"/> Classroom Assessment <input checked="" type="checkbox"/> District-wide Assessment <input checked="" type="checkbox"/> State Assessment	Special Education and/or General Education Setting	As needed OR up to 5 times 6 hours per week	1/15/2020-1/14/2021

Related Services

Under current MaineCare School-Based Services guidance, 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 services provided 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	2 X 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
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.