

Chapter 182-537 WAC

SCHOOL SERVICES

WAC	
182-537-0100	School-based health care services for children in special education—Purpose.
182-537-0200	School-based health care services for children in special education—Definitions.
182-537-0300	School-based health care services for children in special education—Client eligibility.
182-537-0350	School-based health care services for children in special education—Provider qualifications.
182-537-0400	School-based health care services for children in special education—Covered services.
182-537-0500	School-based health care services for children in special education—Noncovered services.
182-537-0600	School-based health care services for children in special education—School district requirements for billing and payment.
182-537-0700	School-based health care services for children in special education—School district documentation requirements.
182-537-0800	School-based health care services for children in special education—Program monitoring/audits.

WAC 182-537-0100 School-based health care services for children in special education—Purpose. (1) The department of social and health services (DSHS) pays school districts for school-based health care services provided to children in special education in accordance with the Individuals with Disabilities Education Act (IDEA). The services must:

- (a) Address the physical and/or mental disabilities of a child;
- (b) Be prescribed or recommended by a physician or other qualified health care provider within his or her scope of practice under state law; and
- (c) Be included in the child's individualized education program (IEP).

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WAC 182-537-0200 School-based health care services for children in special education—Definitions. The following definitions and those found in WAC 388-500-0005 apply to this chapter:

"Assessment"—For purposes of this chapter an assessment is made-up of tests given to an individual child by qualified professionals to evaluate whether a child is determined to be a child with a disability and in need of special education and related services. Assessments are a part of the evaluation and re-evaluation processes.

"Child with a disability"—For purposes of this chapter, a child with a disability means a child evaluated and determined to need special education and related services because of a disability in one or more of the following eligibility categories:

- Mental retardation;

- Hearing impairment (including deafness);
- Speech or language impairment;
- Serious emotional disturbance (emotional behavioral disability);
- Orthopedic impairment;
- Autism;
- Visual impairment (including blindness);
- Traumatic brain injury;
- Other health impairment;
- Specific learning disability;
- Deaf/blindness;
- Multiple disabilities; or
- A developmental delay for children ages three through nine, with an adverse educational impact, the results of which require special education and related direct services.

"Direct health care services"—Services provided directly to a child either one-on-one or in a group setting.

"Educational staff associate (ESA) certification"—The ESA certificate is an official document that attests to minimum prerequisites of age, moral character/fitness, education, experience, competence, and preparation program, depending on the certificate types. The ESA certification is required to serve in a Washington public school.

"Evaluation"—Procedures used according to WAC 392-172A-03005 through 392-172A-03080 to determine whether a student has a disability, and the nature and extent of the special education and related services needed.

"Fee-for-service"—For the purpose of this section, the general payment method the department uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under the department's managed care plans or state children's health insurance program (SCHIP).

"Individuals with Disabilities Education Act (IDEA)"—The IDEA is a United States federal law that governs how states and public agencies provide early intervention, special education, and related services to children with disabilities. It addresses the educational needs of children with disabilities from birth to age of twenty-one.

"Individualized education program (IEP)"—A written statement of an educational program for a student eligible for special education. (See WAC 392-172A-03090 through 392-172A-03135.)

"Qualified health care provider"—See WAC 388-537-0350.

"Reevaluation"—Procedures used to determine whether a student continues to be in need of special education and related services. (See WAC 392-172A-03015.)

"Related services"—Developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from specially designed instruction. For purposes of this program, related services include: physical therapy, occupational therapy, speech-language

therapy, audiology services, psychological assessments, counseling, and nursing services.

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WAC 182-537-0300 School-based health care services for children in special education—Client eligibility. Children in special education must be receiving Title XIX Medicaid under a categorically needy program (CNP) or medically needy program (MNP) to be eligible for school-based health care services. Eligible children enrolled in a managed care organization (MCO) receive school-based health care services on a fee-for-service basis.

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WAC 182-537-0350 School-based health care services for children in special education—Provider qualifications. The department pays school districts to provide certain health care services (see WAC 388-537-0400) to eligible children (see WAC 388-567-0300). These services must be provided by qualified health care providers who meet Washington state and federal requirements and operate within the scope of their practitioner's license:

- (1) Audiology services delivered by:
 - (a) A licensed audiologist; or
 - (b) A school-based audiologist who:
 - (i) Meets the education and work experience necessary for a state professional license;
 - (ii) Holds a valid school audiologist educational staff associate certificate; and
 - (iii) Limits their audiology services to the school setting.
- (2) Counseling services delivered by:
 - (a) A licensed independent social worker;
 - (b) A licensed advanced social worker;
 - (c) A licensed mental health counselor; or
 - (d) A school-based social worker or mental health counselor who:
 - (i) Meets the education and work experience necessary for a state professional license;
 - (ii) Holds a valid school social worker or school counselor educational staff associate certificate; and
 - (iii) Limits their counseling services to the school setting.
- (3) Nursing services delivered by:
 - (a) A licensed registered nurse;
 - (b) A licensed practical nurse; or
 - (c) A noncredentialed school employee who is delegated certain limited health care tasks by a registered nurse and, trained and supervised according to professional practice standards.
- (4) Occupational therapy services delivered by:
 - (a) A licensed occupational therapist; or
 - (b) A certified occupational therapy assistant supervised by a licensed occupational therapist in accordance with professional practice standards.
- (5) Physical therapy services delivered by:
 - (a) A licensed physical therapist; or

(b) A licensed physical therapist assistant supervised by a licensed physical therapist in accordance with professional practice standards.

- (6) Psychological services delivered by:
 - (a) A licensed psychologist; or
 - (b) A school-based psychologist who:
 - (i) Holds a masters degree in school psychology;
 - (ii) Holds a valid school psychologist educational staff associate certificate; and
 - (iii) Limits their psychological services to the school setting.
 - (c) A school-based psychologist who:
 - (i) Holds a doctoral degree in psychology;
 - (ii) Holds a valid school psychologist educational staff associate certificate; and
 - (iii) Limits their psychological services to the school setting.
- (7) Speech therapy services delivered by:
 - (a) A licensed speech-language pathologist;
 - (b) A speech-language pathology assistant, who has graduated from a speech-language pathology assistant program, and is supervised by a speech-language pathologist with a certificate of clinical competence (CCC) in accordance with professional practice standards; or
 - (c) A school-based speech-language pathologist who:
 - (i) Meets the education and work experience necessary for a state professional license;
 - (ii) Holds a valid school speech-language pathologist educational staff associate certificate; and
 - (iii) Limits their speech therapy services to the school setting.
- (8) For services provided under the supervision of a physical therapist, occupational therapist or speech-language pathologist the following requirements apply:
 - (a) The nature, frequency and length of the supervision must be provided in accordance with professional practice standards and adequate to assure the child receives quality therapy services.
 - (b) At a minimum, supervision must be one-on-one communication between the supervisor and the supervised professional.
 - (c) Documentation of supervisory activities must be on record and available to the department upon request.
- (9) It is the responsibility of the school district to assure providers meet the professional requirements necessary for reimbursement.

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WAC 182-537-0400 School-based health care services for children in special education—Covered services. Covered services include:

- (1) Evaluations, when the child is determined to be a child with a disability and in need of special education and related services;
- (2) Direct health care services including:
 - (a) Audiology;
 - (b) Counseling;
 - (c) Nursing;
 - (d) Occupational therapy;

- (e) Physical therapy;
- (f) Psychological assessments;
- (g) Speech-language therapy.

(3) Reevaluations, to determine whether the child continues to need special education and related services.

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WAC 182-537-0500 School-based health care services for children in special education—Noncovered services. Noncovered services include, but are not limited to the following:

- (1) Attending meetings;
- (2) Charting;
- (3) Equipment preparation;
- (4) Instructional assistant contact;
- (5) Parent consultation;
- (6) Parent contact;
- (7) Planning;
- (8) Preparing and sending correspondence to parents or other professionals;
- (9) Professional consultation;
- (10) Report writing;
- (11) Review of records;
- (12) Set-up;
- (13) Teacher contact;
- (14) Test interpretation;
- (15) Travel;
- (16) Observation; and
- (17) For the purposes of this chapter, the department does not reimburse school districts for a RN or LPN to monitor a child continuously throughout the school day.

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WAC 182-537-0600 School-based health care services for children in special education—School district requirements for billing and payment. To receive payment from the department for school-based health care services, a school district must:

- (1) Have a current, signed core provider agreement with the department;
- (2) Meet the applicable requirements in chapter 388-502 WAC; and
- (3) Bill according to the department's published school-based health care services billing instructions.

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WAC 182-537-0700 School-based health care services for children in special education—School district documentation requirements. (1) The school districts must maintain sufficient documentation to support and justify the paid claims, to include, at a minimum:

- (a) Professional assessment reports;
- (b) Evaluation and reevaluation reports;
- (c) Individualized education program (IEP); and

(6/30/11)

(d) Treatment notes for each date of service the provider billed to the department.

(2) All provider licenses and other credentials must be current and on file with the school district and available for review upon request.

(3) All records must be easily and readily available to the department upon request.

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WAC 182-537-0800 School-based health care services for children in special education—Program monitoring/audits. (1) School districts must participate in the monitoring process.

(2) The department monitors school-based health care services as established by the school-based health care services program manager and in compliance with the department's monitoring policy and plan.

(3) The department conducts audits of school-based health care services in accordance with chapter 388-502A WAC.

(4) The department authority to conduct audits and recover overpayments is found in RCW 74.09.200, 74.09.220 and 74.09.290.

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