

“Groups” and Medicaid Billing in NH

Prepared by MSB™

For purposes of this discussion, please refer to the definitions below which are taken from the NH Code of Administrative Rules, Chapter He-M 1300 Specialized Services, Part He-M 1301 Medical Assistance Services Provided by Education Agencies, also known as the NH Medicaid to Schools program.

He-M 1301.02 Definitions. *The words and phrases in this rule shall mean the following:*

(c) *“Covered service” means a service identified pursuant to He-M 1301.04 that is reimbursable under the state medical assistance program and provided to a student.*

(f) *“Group” means 2 or more persons.*

He-M 1301.04 Covered Services. *(pertinent sections)*

(b) *Covered services shall be:*

1. *provided through a student’s LEA or SAU.*

2. *Such services shall be designed to meet the health needs of a student by facilitating the reduction of a physical or mental impairment and providing rehabilitation.*

(c) *Covered services shall be included in the student’s IEP.* [emphasis MSB’s]

(d) *Covered services shall be provided by programs approved by the department of education in accordance with Ed 1129.02.*

(e) *Covered services may be provided in a variety of locations and settings as specified in a student’s IEP and may occur outside the hours of the usual school day. Covered services may be provided by staff employed or subcontracted by the enrolled provider.*

He-M 1301.06 Documentation of Services. *(c)LEAs and SAUs that provide covered services pursuant to He-M 1301.04 shall document each such service in each student’s individual record, with such documentation to include:*

(9) *In the case of group services, documentation of the number of participants in the group who received the covered service regardless of the participants’ eligibility under He-M 1301.03 (c);*

With no further definition provided in the Medicaid to Schools program rules, a *group* is defined as “2 or more persons” (He-M 1301.02(f)). The rules require that appropriate documentation of services must include *the number of participants in the group who received the covered service* (He-M 1301.06(c)(9)).

Further, *covered service* is defined as a service that is reimbursable under the rules (i.e. IEP ordered Speech Therapy) and provided to a student.

While one might argue that given the definition of *covered service*, only those students receiving *services included in the student’s IEP* should be included as part of the group number, MSB recommends

the group number should represent the number of students for which the service provider is intentionally providing the service (i.e. RtI, 504).

MSB's recommendations:

- 1) DO NOT include students in the group number that are part of the group for role model purposes only
- 2) DO NOT include students in the group number just because they are “in the room” or nearby
- 3) INCLUDE those students in the group number for which the district is intentionally providing a service that is included as a *covered service* in the Medicaid to Schools program rules, regardless of whether or not the student has an IEP that includes the service
- 4) DO NOT document for a child by name unless the student has the *covered service* included in his/her IEP (consider including in the group number only per #3)

For Lumea™ users:

If the service provider is providing group services, and 1 or more of the students does NOT have an IEP that includes the *covered service*, DO NOT put the student's name in the session, but rather utilize the “additional students” field in the edit session window to reflect the number of non-named students that are part of the group (exception: if the student is in the Lumea database but is indicated as “not receiving special education”, the student may be named in the group – see your Lumea™ administrator to determine if the student is classified as “*special ed – N*” in *User Details* in Lumea™)

For non-Lumea™, paper-based service providers:

Some providers that use MSB™'s transaction logs have indicated “G” to indicate group followed by “1” to indicate the *number in the group*. While a group of 1 is billed to Medicaid as an individual service, and the service provider is indicating that for Medicaid purposes, the *number in the group* per Medicaid is 1 student, there may be other students present in the session (i.e. role models or classroom setting) from a special education perspective, thus indicating “G”.