

Co-Development Support for LEA Medicaid Billing

As part of our ongoing mission of support for LEAs, AEAs will assist member districts in their efforts to access Medicaid reimbursement for special education services. AEA staff assume positive intentions of all stakeholders in their collaborative efforts to develop and implement services for students.

Key Considerations:

- It is the LEA's responsibility to work with their Medicaid billing agent to accurately claim reimbursement for services that are covered by Medicaid.
- It is necessary to explain Medicaid reimbursement to parents during IEP meetings because they are asked to sign a consent for this billing to occur. However, IEP teams are encouraged to limit conversations about the logistics of reimbursement as much as possible during IEP meetings.
- Federal Medicaid rules require that a properly licensed Mental Health Professional (MHP) is involved in the following when a district seeks reimbursement from Medicaid for behavior related services:
 - An MHP must "develop" or "co-develop" each Behavior Intervention Plan (BIP)
 - An MHP must attest that the services documented on the weekly summary documentation align with the IEP and BIP.

For Medicaid purposes, properly licensed Mental Health Professionals include the following:

- Iowa Department of Public Health licensed professionals:
 - Licensed Mental Health Counselor (LMHC)
 - Licensed Marital Family Therapist (LMFT)

- Licensed Masters Social Worker (LMSW)
- Licensed Independent Social Work (LISW)
- Iowa Board of Educational Examiners
 - Certified School Psychologist
 - Certified School Social Worker
- Behavior Analyst Certification Board
 - Board Certified Behavior Analyst (BCBA)

Questions and Answers

1. What is considered "current" for a BIP and how often should it be reviewed?

Current Iowa AEA Special Education Procedures require that the Behavior Intervention Plan in a student's IEP be reviewed at least annually, with one of three possible recommendations: a) Reviewed without changes, b) Revision, or c) New.

2. What does "co-development of the BIP" mean?

Medicaid requires that the BIP be "developed" or "co-developed" by a licensed Mental Health Professional (MHP). Each MHP will determine the level of involvement required based on each situation and will document their involvement according to the procedures described below.

3. What happens if a licensed MHP isn't assigned to a building?

Each AEA follows its own process for assigning MHPs to IEP teams in need of support for the development of BIPs and for attesting to the alignment on the weekly summary documentation. Contact the AEA Director of Special Education for specific information. The MHP who develops or co-develops the BIP does not need to be the same person who signs the weekly summary documents.

4. What does "signing the weekly summary documents" mean?

It is the district's responsibility to include the following information on the weekly summary documents:

- general observations of the child's condition
- child's activity and participation in treatment

- activities of staff
- future plans for working with the child
- additional progress monitoring data as appropriate

When signing the Medicaid weekly summary sheet, the MHPs signature is only related to the following statement:

I attest that the documented services/interventions provided by the LEA staff members are consistent with this student's Behavior Intervention Plan (BIP) or specific goal(s) as described in the student's IEP. This does not imply my supervision of the LEA staff members, nor have I necessarily observed these services. My signature verifies that documented services/interventions on this form are aligned with the student's BIP and IEP.

5. If there are staff available in the district that hold the appropriate licensure/credentials, can the agency insist that the district take care of all MHP involvement in BIP development?

In keeping with the mission of support to our local districts, the AEA system is committed to provide this service wherever possible and feasible to do so. However, this does not preclude collaborative conversations with districts when LEA personnel with appropriate licensure can be made available to efficiently share the responsibilities. Local school districts may also seek MHP support for BIP development from other outside agencies with which they have collaborative arrangements.

6. Does the AEA provide liability support to protect my DPH or BOEE license?

Each AEA has a commitment and a duty to defend and protect employees for actions that occur when an employee has acted under the direction of their employer, within the scope and in the course of their employment, and when employees act in good faith in carrying out their duties. This 'duty to defend' includes claims made before other administrative agencies, such as licensing boards.

Procedures for AEA Support of BIP Development/Co-Development

In order for LEAs to claim reimbursement for behavior related services, Medicaid requires that the student's Behavior Intervention Plan (BIP) be "co-developed" by a Mental Health Professional (MHP). Practitioners most frequently found in the AEA/LEA system considered to be MHPs are licensed School Psychologists (SP), School Social Workers (SSW), or Board Certified Behavior Analysts (BCBA). This can present a unique challenge for schools given the current organization of AEA supports, in which there may not be a MHP assigned to a particular school on a regular basis. However, all schools in Iowa have at least one AEA "designee" (e.g., AEA Representative, Strategist, etc.) that may or may not be a MHP.

The AEA Special Education Directors have agreed to support schools in their efforts to claim reimbursement from Medicaid by implementing the following steps:

1. The "AEA designee" (SP, SSW, Consultant, other) assigned to an individual building is assumed to be aware of all students with current BIPs in those buildings.
2. When made aware of upcoming IEP meetings where the student's BIP will need to be reviewed, the AEA designee (if not currently a SP or SSW) follows the AEA's process for providing SP or SSW support to alert them to the needed review of a BIP.
3. Prior to that IEP meeting, the SP/SSW along with the AEA "designee" reviews current BIP to provide one of the following recommendations to the team for consideration:
 - a. **"Review Without Changes"** – The MHP opinion is that the BIP can be maintained without changes; OR
 - b. **"Revision"** – The MHP recommends changes to BIP not significant enough to completely rewrite: OR
 - c. **"New"** – The MHP recommends that a new BIP be written.

NOTE: The IEP team maintains the responsibility for following or rejecting the recommendations of the MHP (see 5.b.iii.).

4. If SP/SSW recommendation is (3a) "Review Without Changes"

- a. If the IEP team agrees and before IEP is submitted for validation, SP/SSW adds name to those who Developed BIP that is attached to this IEP.

- b. If IEP team (with or without AEA representation) recommends changes to the BIP this now becomes "Revision" (5) below.
- c. When a "Review Without Change" is recommended by an IEP team without advance notification given to AEA designee (this typically might occur through amendments and reviews where AEA staff might not regularly be in attendance), the AEA SP/SSW must be made aware and given time to review the BIP to see if they are in agreement prior to their name being included on the BIP. If not in agreement, a new IEP meeting should be held to discuss needed changes.

5. If SP/SSW recommendation is (3b) "Revision"

- a. When made aware of an upcoming meeting the AEA designee requests SP/SSW to review draft BIP, before the meeting, and suggest changes for consideration.
 - i. AEA designee recommends SP/SSW attend IEP meeting to present proposed changes
 - ii. If SP/SSW is unable to attend, the SP/SSW will be asked to draft proposed changes before the IEP meeting.
 - iii. AEA designee will include the proposed changes during the IEP team's discussion of the Revision. If IEP team accepts the proposed changes, the BIP is revised, and before IEP is finalized the SP/SSW adds their name to those who developed BIP (to include the AEA designee) that is attached to this IEP.
 - iv. If IEP team rejects the proposed changes and recommends alternate changes, the SP/SSW must be contacted before changes are made. It is possible that the IEP team will need to reconvene with the SP or SSW in attendance.
- b. When changes are recommended without prior notice given to AEA designee (typically through amendments and reviews)
 - i. Teacher will discuss proposed revisions with the AEA designee who will then discuss proposed changes with SP/SSW.
 - ii. If the SP/SSW is in agreement, and before IEP is finalized, the SP/SSW and the AEA designee will add their name to those who developed the BIP that is attached to this IEP.

- iii. If the SP/SSW is not in agreement, the revisions suggested by the IEP team should still occur as determined by the IEP team. However, in this case, the SP/SSW will not add their name to the BIP as a co-developer, and the LEA will not be able to submit a claim for reimbursement. The IEP team always has the option of reconvening with SP/SSW involvement to discuss any additional BIP revisions.

6. If SP/SSW recommendation is (3c) "New"

- a. The AEA Designee works with SP/SSW to follow procedures resulting in a New BIP.

NOTE: With all recommendation types ("Review Without Changes," "Revision," OR "New,") **the AEA SP/SSW name is never to remain on, or be added to a newly developed BIP unless that person has been made aware of and is in agreement with its contents.**