

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Medicaid Services

3 Division of Provider Operations

4 (Amended After Comments)

5 907 KAR 1:715. School-based health services.

6 RELATES TO: KRS 156.070, 205.520, 605.115, 314.470, 20 U.S.C. 33, 34 C.F.R.

7 300.320, 300.321, 300.324, 42 CFR 440.110

8 STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560

9 NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family
10 Services, Department for Medicaid Services has responsibility to administer the Medi-
11 caid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to
12 comply with any requirement that may be imposed or opportunity presented by federal
13 law for the provision of Medicaid services to Kentucky's indigent citizenry. This adminis-
14 trative regulation establishes the provisions relating to school-based health services
15 (SBHS) for which payment shall be made by the Medicaid program on behalf of Medi-
16 caid recipients who are eligible for school-based health services under 20 U.S.C. Chap-
17 ter 33.

18 Section 1. Definitions. (1) "Admissions and release committee" or "ARC" means a
19 group of individuals which meets the:

20 (a) ARC requirements established in 707 KAR 1:320; and

21 (b) IEP team requirements established in 34 C.F.R. 300.321.

1 (2) "Advanced registered nurse practitioner" is defined by KRS 314.011(7).

2 (3) "Assistive technology device" means an item, piece of equipment, or product sys-
3 tem that is:

4 (a) Used to increase, maintain, or improve the functional capabilities of a child with a
5 disability; and

6 (b) Medically necessary to implement the health services in the child's individualized
7 education program.

8 (4) **"Board Certified Assistant Behavior Analyst" or "BCABA" means an indi-**
9 **vidual who:**

10 **(a) Has met all of the BCABA requirements established by the Behavior Analyst**
11 **Certification Board®, Inc.; and**

12 **(b) Is currently recognized by the Behavior Analyst Certification Board®, Inc.**
13 **as a BCABA.**

14 **(5) "Board Certified Behavior Analyst" or "BCBA" means an individual who:**

15 **(a) Has met all of the BCABA requirements established by the Behavior Analyst**
16 **Certification Board®, Inc.; and**

17 **(b) Is currently recognized by the Behavior Analyst Certification Board®, Inc.**
18 **as a BCABA.**

19 **(6)** "Certified psychologist" means an individual who holds the title of certified psy-
20 chologist pursuant to KRS 319.056.

21 **(7)[(5)]** "Certified psychologist with autonomous functioning" means an individual
22 who holds the title of certified psychologist with autonomous functioning pursuant to
23 KRS 319.056.

1 **(8)~~[(6)]~~** "Certified social worker" means an individual with a certified social worker li-
2 cense pursuant to KRS 335.080.

3 **(9)~~[(7)]~~** "Department of Education" means the Commonwealth of Kentucky, Depart-
4 ment of Education.

5 **(10)~~[(8)]~~** "IDEA" means the Individuals with Disabilities Education Act, 20 U.S.C.
6 Chapter 33.

7 **(11)~~[(9)]~~** "IEP team" is defined by 34 C.F.R. 300.321.

8 **(12)~~[(10)]~~** "Incidental interpreter services" means the interpreter services that are ne-
9 cessary to allow the child to benefit from other covered school-based health services.

10 **(13)~~[(11)]~~** "Individualized Education Program" or "IEP" is defined by 34 C.F.R.
11 300.320.

12 **(14)~~[(12)]~~** "Licensed clinical social worker" means an individual possessing a current
13 licensed clinical social worker license pursuant to KRS 335.100.

14 **(15)~~[(13)]~~** "Licensed practical nurse" is defined by KRS 314.011(9).

15 **(16)~~[(14)]~~** "Licensed professional clinical counselor" is defined by KRS 335.500(3).

16 **(17)~~[(15)]~~** "Licensed professional clinical counselor associate" is defined by KRS
17 335.500(4).

18 **(18)~~[(16)]~~** "Licensed psychological associate" means an individual holding the title of
19 licensed psychological associate pursuant to KRS 319.064.

20 **(19)~~[(17)]~~** "Licensed psychological practitioner" means an individual who meets the
21 licensed psychological practitioner requirements established in KRS 319.053.

22 **(20)~~[(18)]~~** "Licensed psychologist" means a psychologist who holds a licensed psy-
23 chologist license pursuant to KRS 319.010(5).

1 **(21)**~~**(19)**~~ "Licensed social worker" means an individual possessing a current li-
2 censed social worker license pursuant to KRS 335.090.

3 **(22)**~~**(20)**~~ "Occupational therapist" is defined by KRS 319A.030(3).

4 **(23)**~~**(21)**~~ "Occupational therapy assistant" is defined by KRS 319A.030(4).

5 **(24)**~~**(22)**~~ "Physical therapist" is defined by KRS 327.010(2).

6 **(25)**~~**(23)**~~ "Physical therapist assistant" means an individual:

7 (a) With a current credential from the Kentucky Board of Physical Therapy; and

8 (b) Working under the supervision of a physical therapist.

9 **(26)**~~**(24)**~~ "Psychologist" is defined by KRS 319.010(8).

10 **(27)**~~**(25)**~~ "Recipient" is defined by KRS 205.8451(9).

11 **(28)**~~**(26)**~~ "Registered nurse" is defined by KRS 314.011(5).

12 **(29)**~~**(27)**~~ "Respiratory care practitioner" is defined by KRS 314A.010(3).

13 **(30)**~~**(28)**~~ "SBHS" or "School-based health services" or means medically-necessary
14 health services;

15 (a) Provided for in 907 KAR 1:034; and

16 (b) Specified in an individualized education program for a child determined to be eli-
17 gible under the provisions of the Individuals with Disabilities Education Act, 20 U.S.C.

18 Chapter 33, and 707 KAR Chapter 1.

19 **(31)**~~**(29)**~~ "SBHS recipient" means a recipient who:

20 (a) Is under the age of twenty-one (21) years; and

21 (b) Receives school-based health services.

22 **(32)**~~**(30)**~~ "Special transportation" means a special arrangement, special equipment,
23 or a special vehicle:

1 (a) Which is appropriate for the child's disability; and

2 (b) The need for which is described in the child's individualized education plan.

3 Section 2. Provider Requirements. (1) A school district that requests to participate as
4 a school-based health care provider shall not be qualified to provide school-based
5 health services:

6 (a) Until it has enrolled as a Medicaid provider pursuant to 907 KAR 1:672;

7 (b) Until it has been certified by the Department of Education to provide school-
8 based health services; and

9 (c) Unless it is currently compliant with the Medicaid provider participation require-
10 ments established in 907 KAR 1:671.

11 (2) The Department of Education shall grant certification to a district that agrees to:

12 (a) Provide services as:

13 1. Required by 20 U.S.C. Chapter 33; and

14 2. Specified in an approved individualized education program developed by an ARC
15 that includes a multidisciplinary team of professionals acting within their scope of prac-
16 tice;

17 (b) Comply with the service provision requirements mandated by 20 U.S.C. Chapter
18 33 and in accordance with 707 KAR 1:320;

19 (c) Employ or contract with health care professionals who meet the qualifications
20 specified in Section 4 of this administrative regulation;

21 (d) Provide the Department of Education with a proposed quality assurance outline;

22 (e) Maintain and submit to the Department of Education all required records and re-
23 ports to ensure compliance with 20 U.S.C. Chapter 33; and

1 (f) Provide the Department of Education with a list of school-based health services
2 that the school district provides. This list shall contain the following information for em-
3 ployees and contractors providing the services:

- 4 1. Name; and
- 5 2. Credentials[;
- 6 ~~3. Hourly salary;~~
- 7 ~~4. Hourly fringe benefit costs; and~~
- 8 ~~5. Hourly contract amounts].~~

9 (3) The Department for Medicaid Services shall grant Medicaid enrollment to a pro-
10 vider who:

- 11 (a) Meets the criteria established in subsections (1) and (2) of this section;
- 12 (b) Works within his or her scope of practice as established in Kentucky law; and
- 13 (c) Is recommended by the Department of Education for certification and enrollment
14 in the Kentucky Medicaid Program as a provider of school-based health services.

15 (4) A Medicaid school-based health services provider shall:

- 16 (a) Submit to an annual review by the Department of Education to ensure
17 compliance with the standards for continued participation as a Medicaid provider;
- 18 (b) Have an on-site survey completed by the Department of Education as necessary
19 to determine compliance with the Medicaid Program;
- 20 (c) Take action as specified by the Department of Education to correct a deficiency if
21 found to be in noncompliance with the provision of services outlined in 707 KAR 1:320
22 or this administrative regulation;
- 23 (d) Agree to implement a quality assurance program approved by the Department of

1 Education for the provision of Medicaid-covered services within one (1) year from the
2 date the Department of Education recommends enrollment to the Medicaid Program;

3 (e) Maintain a current list of school-based health services that the school district pro-
4 vides. The list shall contain the information listed in subsection (2)(f) of this section for
5 an employee or contractor providing the services;

6 (f) Maintain records on each SBHS recipient who receives services reimbursed by
7 Medicaid. The records shall:

- 8 1. Identify the child, services performed, and quantity or units of service;
- 9 2. Be signed and dated by the professional who provided or supervised the service;
- 10 3. Be legible with statements written in an objective manner;
- 11 4. Indicate progress being made, any change in treatment, and response to the
12 treatment; and
- 13 5. Be retained for a minimum of five (5) years plus any additional time required by
14 law; and

15 (g) Comply with 907 KAR 1:671 and 1:672.

16 Section 3. Covered Services. (1) A school-based health service that is included in an
17 IEP authorized by an IEP team or ARC and provided in accordance with this adminis-
18 trative regulation shall:

19 (a) Be considered medically necessary; and

20 (b) Not be subject to additional Medicaid prior-authorization requirements.

21 (2) The following services shall be covered if provided to address a medical or men-
22 tal disability and to assist an individual in benefiting from special education program-
23 ming which is included, authorized, and provided in accordance with the individualized

- 1 education program:
- 2 (a) Nursing;
 - 3 (b) Audiology;
 - 4 (c) Speech and language;
 - 5 (d) Occupational therapy;
 - 6 (e) Physical therapy;
 - 7 (f) Behavioral health services~~[Mental health]~~;
 - 8 (g) Incidental interpreter services provided in conjunction with another covered ser-
 - 9 vice;
 - 10 (h) Orientation and mobility services;
 - 11 (i) Respiratory therapy;
 - 12 (j) Assistive technology devices and appropriate related evaluations if the devices
 - 13 purchased by the Medicaid Program become the property of the SBHS recipient; and
 - 14 (k) Special transportation with the following limitations:
 - 15 1. A special transportation service shall be limited to transporting an SBHS recipient
 - 16 to receive a Medicaid-covered service at:
 - 17 a. A site other than the school building in which the child is enrolled for general edu-
 - 18 cation purposes;
 - 19 b. The child's home if the child is a home-bound student and receives general edu-
 - 20 cation services at home; or
 - 21 c. The school building where the child receives the Medicaid-covered service. Spe-
 - 22 cial transportation to the school building from the child's home or other site and return
 - 23 special transportation from the school building to the child's home or other site shall be

1 covered for the day the Medicaid-covered service is provided at the school building;

2 2. A special transportation service shall be provided using a type of vehicle which:

3 a. Meets the specifications established by KRS 156.153, 702 KAR 5:060, and 702

4 KAR 5:130; and

5 b. Is appropriate for the child's disability as determined by the ARC in accordance

6 with 702 KAR 5:100; and

7 3. A special transportation service provided by a member of an SBHS recipient's

8 household to the SBHS recipient shall not be covered unless the SBHS recipient's

9 household member is an employee of the school district.

10 (3) A covered school-based health service:

11 (a) Shall not be limited by site of service;

12 (b) Shall be provided in:

13 1. A group of no more than six (6); or

14 2. In a one-on-one situation; and

15 (c) May include:

16 1. An assessment or evaluation if the assessment or evaluation is stated in the

17 SBHS recipient's IEP, except as allowed in subsection (4) of this section; or

18 2. A treatment component if the treatment component is stated in the SBHS reci-

19 pient's IEP.

20 (4) An assessment or evaluation conducted prior to the establishment of an individu-

21 alized education program shall be covered if the individualized education program is

22 subsequently developed and implemented as a result of the assessment or evaluation.

23 Section 4. Staffing Requirements. School-based health services shall be reimbursa-

1 ble if provided by a professional acting within his or her scope of practice as defined by
2 state law and as provided in this section.

3 (1) A nursing service shall be provided by:

4 (a) An advanced registered nurse practitioner with a current license from the Ken-
5 tucky Board of Nursing;

6 (b) A registered nurse;

7 1. With a current license from the Kentucky Board of Nursing; or

8 2. Authorized to provide a nursing service;

9 (c) A licensed practical nurse:

10 1. With a current license issued by the Kentucky Board of Nursing, under appropriate
11 supervision and delegated authority; or

12 2. Authorized to provide a nursing service pursuant to KRS 314.470; or

13 (d) A health aide if:

14 1. The aide is under the supervision of a specific registered nurse or advanced regis-
15 tered nurse practitioner;

16 2. The supervising registered nurse or advanced registered nurse practitioner has
17 trained the aide for the specific SBHS nursing service for the specific recipient; and

18 3. The supervising registered nurse or advanced registered nurse practitioner has
19 verified in writing that the aide has appropriate training and skills to perform the specific
20 service in a safe, effective manner.

21 (2) Audiology services shall be provided by an audiologist with a current license from
22 the Kentucky Board of Speech-Language Pathology and Audiology.

23 (3) Speech and language services shall be provided by[=

1 (a)] a speech-language pathologist who has a current certificate of clinical compe-
2 tence issued by the American Speech-Language-Hearing Association[:

3 1. ~~Has a current license from the Kentucky Board of Speech-Language Pathology~~
4 ~~and Audiology;~~

5 2. ~~Has a master's level professional certification issued by the Kentucky Education~~
6 ~~Professional Standards Board after January 1, 2001; or~~

7 3. ~~Has a certificate of clinical competence issued by the American Speech-~~
8 ~~Language-Hearing Association; or~~

9 4. ~~Is working under the supervision of an individual who:~~

10 a. ~~Has a current license from the Kentucky Board of Speech-Language Pathology~~
11 ~~and Audiology;~~

12 b. ~~Has a master's level professional certification issued by the Kentucky Education~~
13 ~~Professional Standards Board after January 1, 2001; or~~

14 c. ~~Has a certificate of clinical competence issued by the American Speech-~~
15 ~~Language-Hearing Association; or~~

16 (b) A speech-language pathology assistant who:

17 1. ~~Has:~~

18 a. ~~A current license from the Kentucky Board of Speech-Language Pathology and~~
19 ~~Audiology; or~~

20 b. ~~A baccalaureate level certification issued by the Kentucky Educational Profes-~~
21 ~~sional Standards Board; and~~

22 2. ~~Is under the supervision of a licensed or certified masters-level speech-language~~
23 ~~pathologist in accordance with KRS 334A.033, 334A.080, and 161.053].~~

- 1 (4) Occupational therapy services shall be provided by:
- 2 (a) An occupational therapist:
- 3 (b) An occupational therapy assistant; or
- 4 (c) An unlicensed occupational therapy aide who:
- 5 1. Provides supportive services to occupational therapists and occupational therapy
- 6 assistants; and
- 7 2. Is under the direct supervision of a licensed occupational therapist.
- 8 (5) Physical therapy services shall be provided by:
- 9 (a) A physical therapist;
- 10 (b) A physical therapist assistant;
- 11 (c) An individual with a temporary permit to perform physical therapy in Kentucky
- 12 pursuant to 327.010(5);
- 13 (d) A student of physical therapy under the supervision of a physical therapist; or
- 14 (e) Physical therapy supportive personnel under the direct on-site supervision of a:
- 15 1. Physical therapist; or
- 16 2. Physical therapist assistant in accordance with the provisions of 201 KAR 22:053.
- 17 (6) A behavioral~~mental~~ health service shall be provided by:
- 18 (a) A licensed psychologist;
- 19 (b) A licensed psychological practitioner;
- 20 (c) A certified psychologist with autonomous functioning;
- 21 (d) A certified psychologist;
- 22 (e) A licensed psychological associate;
- 23 (f) A licensed clinical social worker;

- 1 (g) A licensed social worker;
- 2 (h) A certified social worker;
- 3 (i) An advanced registered nurse practitioner who has a specialty area in accordance
- 4 with the American Nurses' Association's Scope and Standards of Psychiatric Mental
- 5 Health Nursing Practice in accordance with 201 KAR 20:057;
- 6 (j) A licensed professional clinical counselor; ~~or~~
- 7 (k) A licensed professional clinical counselor associate;
- 8 **(l) A board certified behavior analyst; or**
- 9 **(m) A board certified assistant behavior analyst.**

10 (7) An incidental interpreter service shall be provided by an interpreter licensed by
11 the Kentucky Board of Interpreters for the Deaf and Hard of Hearing pursuant to KRS
12 309.301.

13 (8) Orientation and mobility services shall be provided by an orientation and mobility
14 specialist certified by the:

- 15 (a) Academy for Certification of Vision Rehabilitation and Education Professionals
- 16 (ACVREP); or
- 17 (b) National Blindness Professional Certification Board (NBPCB).

18 (9) Respiratory therapy services shall be provided by a respiratory care practitioner.

19 Section 5. Reimbursement. (1) Reimbursement for SBHS shall be provided in accor-
20 dance with the school-based health service reimbursement provisions established in
21 907 KAR 1:035.

22 (2) A school-based health services provider shall certify the expenditure of state or
23 local funds for school-based health services in accordance with 702 KAR 3:285.

1 Section 6. Individualized Education Program. An IEP shall:
2 (1) Be developed, reviewed, and revised in accordance with:
3 (a) 707 KAR 1:320; and
4 (b) 34 C.F.R. 300.324; and
5 (2) Not be considered authorized unless it has been approved by an IEP team. (23
6 Ky.R. 1831; Am. 2530; 2752; eff. 12-18-1996; 29 Ky.R. 2378; 2705; eff. 5-15-2003; 32
7 Ky.R. 1803; 2041; 2277; eff. 7-7-2006; 36 Ky.R. 694; 1289; 1491; eff. 2-5-2010.)

907 KAR 1:715
(Amended After Comments)

REVIEWED:

Date

Neville Wise, Acting Commissioner
Department for Medicaid Services

APPROVED:

Date

Janie Miller, Secretary
Cabinet for Health and Family Services

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 907 KAR 1:715

Cabinet for Health and Family Services

Department for Medicaid Services

Agency Contact: Linda Proctor (502) 564-6890, Stephanie Mack (502) 564-6890 or
Stuart Owen (502) 564-4321

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes Medicaid school-based health service policies.
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary to establish school-based health service policies in concert with 20 USC 33.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing school-based health service policies.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing school-based health service policies.

- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: The amendment changes the speech and language provider requirements. Currently, to be eligible to provide Medicaid speech and language services, a speech language pathologist has to have a current license from the Kentucky Board of Speech-Language Pathology and Audiology, a master's level certification issued (after January 1, 2001) by the Kentucky Education Professional Standards Board, or a certificate of clinical competence issued by the American Speech-Language Hearing Association; or be working under the supervision of someone who meets the aforementioned requirements. With the amendment, a speech-language pathologist will have to have a current license from the Kentucky Board of Speech-Language Pathology and Audiology and a certificate of clinical competence issued by the American Speech-Language Hearing Association. Additionally, the Department for Medicaid Services (DMS) is changing the term mental health services to behavioral health to ensure consistency with the corresponding state plan amendment approved by the Centers for Medicare and Medicaid Services (CMS) and is removing hourly salary, hourly fringe benefit costs and hourly contract amounts from the list of information required to be submitted by school districts as that information will be captured on the cost report (now required by CMS) to be submitted by each school district. The amendment after comments adds board certified behavior analysts and board certified assistant behavior analysts to the lists of practitioners authorized to

- provide behavioral services and defines the two terms.
- (b) The necessity of the amendment to this administrative regulation: The amendment is necessary to comply with a Centers for Medicare and Medicaid Services (CMS) mandate.
 - (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by complying with a CMS mandate regarding speech-language pathologists' requirements; thus, preventing Kentucky's DMS program from losing federal funding for services provided by speech language pathologists.
 - (d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the authorizing statutes by complying with a CMS mandate regarding speech-language pathologists' requirements; thus, preventing Kentucky's DMS program from losing federal funding for services provided by speech language pathologists.
- (3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: School districts which provide Medicaid-covered school-based health services will be affected by the amendment to this administrative regulation. There are approximately 143 school districts in Kentucky who provide Medicaid-covered school based health services.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. Any speech-language pathologist who provides Medicaid school-based services currently but does not meet the amended speech-language pathologists' requirements will have to meet the requirements if they wish to be able to provide Medicaid-covered, school-based health services.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3). Any speech-language pathologist who does not currently meet the CMS-mandated requirements, will experience the costs of obtaining the revised credentials if they wish to be able to provide Medicaid-covered, school-based health services.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3). Speech-language pathologists who meet the CMS-mandated requirements will be able to be reimbursed for Medicaid school-based health services and their employers, school districts, likewise, will be able to be reimbursed by the Medicaid program.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: The Department for Medicaid Services (DMS) expects to experience no cost as a result of this amendment.

- (b) On a continuing basis: DMS expects to experience no cost as a result of this amendment.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The sources of revenue to be used for implementation and enforcement of this administrative regulation are federal funds authorized under the Social Security Act, Title XIX and matching funds of general fund appropriations.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding is necessary to implement the amendment to the administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes nor directly or indirectly increases any fees.
- (9) Tiering: Is tiering applied? (Explain why tiering was or was not used). Tiering was not applied in this administrative regulation because it is applicable equally to all individuals or entities regulated by it.

FEDERAL MANDATE ANALYSIS COMPARISON

Regulation Number: 907 KAR 1:715

Agency Contact: Linda Proctor (502) 564-6890, Stephanie Mack (502) 564-6890 or Stuart Owen (502) 564-4321

1. Federal statute or regulation constituting the federal mandate. 42 CFR 440.110 and a state plan amendment required and subsequently approved by the Centers for Medicare and Medicaid Services (CMS). The state plan amendment was submitted to CMS in response to a CMS audit which requested changes to the Department for Medicaid Services school-based health services program.
2. State compliance standards. KRS 205.520(3) states, "Further, it is the policy of the Commonwealth to take advantage of all federal funds that may be available for medical assistance. To qualify for federal funds the secretary for health and family services may by regulation comply with any requirement that may be imposed or opportunity that may be presented by federal law. Nothing in KRS 205.510 to 205.630 is intended to limit the secretary's power in this respect."
3. Minimum or uniform standards contained in the federal mandate. To be Medicaid reimbursable, Kentucky speech-language pathology services must be provided by a speech-language pathologist who has a current license from the Kentucky Board of Speech-Language Pathology and Audiology and a current certificate of clinical competence issued by the American Speech-Language-Hearing Association.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment will not impose stricter than federal requirements.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment will not impose stricter than federal requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 907 KAR 1:715

Agency Contact: Linda Proctor (502) 564-6890, Stephanie Mack (502) 564-6890 or Stuart Owen (502) 564-4321

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments or school districts)?

Yes X No _____

If yes, complete 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Medicaid Services and Kentucky school districts who provide Medicaid school-based health services will be affected by the amendment.

3. Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. 42 CFR 440.110.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? DMS anticipates no increase in revenue as a result of this administrative regulation. A school district whose speech-language pathologists who fail to obtain the CMS-mandated credentials for providing Medicaid school-based health services could lose revenues as those pathologists would be ineligible to provide Medicaid school-based health services as a result of the amendment. Thus, the school district would be unable to be reimbursed for the services that otherwise could have been provided by those speech-language pathologists.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? DMS anticipates no increase in revenue as a result of this administrative regulation. DMS anticipates no increase in revenue as a result of this administrative regulation. A school district whose speech-language pathologists who fail to obtain the CMS-mandated credentials for providing Medicaid school-based health services could lose revenues as those pathologists would be ineligible to provide Medicaid school-based health services as a result of the amendment. Thus, the school district would be unable to be reimbursed for the services that otherwise could have been provided by those speech-language pathologists.

(c) How much will it cost to administer this program for the first year? The Department for Medicaid Services (DMS) expects to experience no cost as a result of this amendment.

(d) How much will it cost to administer this program for subsequent years? DMS expects to experience no cost as a result of this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): .

Expenditures (+/-):