



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Special Education Program Services and Reimbursement Bureau: Thomas Hamel, Chief

Medicaid Services Unit  
Room 304 EB

<http://www.oms.nysed.gov/medicaid/>  
Phone: (518) 474-3227 FAX: (518) 486-3606

To: Superintendents of Public School Districts May 23, 2003  
County Officials  
Superintendents of 4201 Schools  
Medicaid Contacts and Regional Information Centers

From: Robert Scalise, Coordinator, Medicaid Services Unit

Subject: Required and suggested methods to document the **Direction** for speech services when provided by a **Teachers of the Speech and Hearing Handicapped under the direction of a New York State Licensed or ASHA Certified Speech Language Pathologists.**

The following is a definition of under the direction as indicated in the Medicaid Handbook and some suggested ideas on how to document each of the four criteria that under the direction includes. However, these suggestions do not preclude other forms or ways that would serve to document any of the four criteria.

Speech services must be provided by a New York State Certified Teacher of the Speech and Hearing Handicapped (TSHH). In order to claim Medicaid the speech services must be provided by or under the direction of a New York State Licensed or ASHA Certified Speech-Language Pathologist (SLP).

"Under the direction of" means that speech-language pathology services may be provided by a teacher of the speech and hearing handicapped under the direction of a New York State licensed SLP as defined in the New York State Social Services regulations, Chapter III, Part 505.11. The SLP providing the direction may be in the employ of the local school district/county or on a contractual basis.

**The SLP providing the direction must:**

1. Assure the delivery of speech-language pathology services as per the student's Individualized Education Program (IEP);
2. Assure that the services are medically appropriate. The New York State Social Services Law, Part 365(a) 2 governs medical necessity and allows payment through Medicaid for care, services or supplies which will either treat a disability or overcome a condition which interferes with the capacity for normal activity [Part 365 (a) 2 of NYSSL];
3. Be available, as needed, to the teacher of the speech and hearing handicapped for assistance and consultation but need not be on the premises; and
4. Review periodic progress notes prepared by the teacher of the speech and hearing handicapped, consult with the teacher and make recommendations, as appropriate.

### **Required Documentation for the Provision of "Under the Direction":**

Credentials of the individuals that provide direction to a TSHH.

- Photocopy of the License and/or ASHA Certification of the SLP.

Signed statement by the SLP with their License # or ASHA Certification # listing the TSHH for whom they are providing direction as well as a statement of how accessibility will be provided.

- Form included in Appendix C page C 11 [CERTIFICATION OF UNDER THE DIRECTION AND ACCESSIBILITY of Guidebook # 5 should be completed signed and dated. It must be updated as things change.

### **Suggestions for documentation of each of the four criteria of direction.**

1. Assure the delivery of speech-language pathology services as per the student's IEP.
  - SLP initials a copy of the IEP, or
  - Documents through a signature that the student's IEP was reviewed, and
  - SLP initials or signs the monthly service report, or
  - Copy of the schedule showing the students in each class and when the day and time the class is scheduled.
2. Assure that the services are medically appropriate.
  - Part 365(a) 2 of New York State Social Services Law defines medical appropriateness (attached). The definition is broad and covers all classified students with disabilities with an IEP. Therefore, no further documentation is needed by the SLP other than the IEP, which specifies speech with frequency and duration.
3. Be available, as needed, to the teacher of the speech and hearing handicapped for assistance and consultation but need not be on the premises.
  - If contact is by phone, record the date and time of the call. Indicate whom the SLP spoke to and a brief description of the call.
  - If contact was a meeting, individual or regular group session, provide the date and time and who attended the meeting. Also provide the minutes of the meeting, signed and dated by the SLP.
4. Review progress notes prepared by the teacher of the speech and hearing handicapped, consult with the teacher and make recommendations, as appropriate.
  - Sign or initial the progress note, or
  - Monthly statements of which students' progress notes were reviewed.

**NOTE: The suggestions for documentation indicated above under each of the four criteria does not preclude other forms of documentation.**