

**STATE OF New York
DEPARTMENT OF EDUCATION**

**SCHOOL SUPPORTIVE HEALTH
SERVICES POLICY**

**HEALTH RELATED SUPPORT
SERVICES (HRSS)**

1. "Under the direction of" a Speech - Language Pathologist

"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 speech-language pathologist where appropriate, as defined in the New York State Social Services regulations, chapter II, Part 505.11. The speech-language pathologist providing the direction may be in the employ of the local school district or on a contractual basis. Unless otherwise mandated by a statute or regulation the speech-language pathologist providing direction must:

- a. assure the delivery of speech-language pathology services as per the child's Individualized Education Program (IEP);
- b. 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 and supplies which will either treat a disability or overcome a condition which interferes with the capacity for normal activity;

- c. be readily available, as needed, to the teacher of the speech and hearing handicapped for assistance and consultation but need not be on the premises; and
- d. review periodic progress notes prepared by the teacher of the speech and hearing handicapped, consult with the teacher and make recommendations, as appropriate. (now mandated in Part 200.4 of the Regulations of the Commissioner).

§ 365-a. Character and adequacy of assistance

1. The amount, nature and manner of providing medical assistance for needs persons shall be determined by the public welfare official with the advice of a physician and in accordance with the local medical plan, this title, and the regulations of the department.
2. "Medical assistance" shall mean payment of part or all of the cost of medically necessary medical, dental and remedial care, services and supplies as authorized in this title or the regulations of the department, which are necessary to prevent, diagnose, correct or cure conditions in the person that cause acute suffering, endanger life, result in illness or infirmity, interfere with such person's capacity for normal activity, or threaten some significant handicap and which are furnished an eligible person in accordance with this title and the regulations of the department. Such care, services and supplies, together with such medical care, services and supplies provided for in subdivisions three, four, and five of this section, and such medical care, services and supplies as are authorized in the regulations of the department:
 - (a)[For effective and termination dates, see notes below. See, also, par. (a) below.] services of qualified physicians, dentists, nurses except that private duty nursing shall be provided subject to section three hundred sixty-seven-1 of this chapter, and private duty nursing services shall be further subject to the provisions of section three hundred sixty-seven-0 of this chapter, optometrists, and other related professional personnel;
 - (a)[Eff, June 30, 1994. See, also, par. (a) above.] services of qualified physicians, dentists to the extent authorized by paragraph (e) herein, nurses, optometrists, podiatrists and other related professional personnel;
 - (b) care, treatment, maintenance and nursing services in hospitals, nursing homes that qualify as providers in the Medicare program pursuant to title XVIII of the federal social security act,

