

**School Supportive Health Services Program
Preschool Supportive Health Services Program**

**Questions and Answers
Medicaid Special Transportation**

Issued November 25, 2013

220. Q. We are a non-transporting district. The only special education students who ride the bus are those who qualify for special transportation due to asthma, emotional disturbance, autism or physical disabilities. They may not be on a modified vehicle but the only reason we use the vehicle is because they need to be transported to and from their program. Is it correct based on the special circumstances 1st paragraph that they qualify?

A. A non-transporting district is one in which all students live in close enough proximity to the school that transportation is not provided. In order for special transportation to be Medicaid reimbursable, the student must have a medical need documented in the IEP and the student must be traveling to or from a Medicaid reimbursable service. This is the first special circumstance where transportation is Medicaid reimbursable regardless of the type of vehicle used – see page 2 of [Medicaid Alert #13-10](#).

221. Q. Is a vehicle with a 5-point harness considered specially modified?

A. No. A five-point harness is considered a component of a seat belt. Seat belts are not considered modifications to the school bus.

222. Q. If the student attends a full time academic program at BOCES, for example, and receives SSHSP services at that same location, does that transportation qualify as reimbursable?

A. No, this does not meet either of the two exceptions in [Medicaid Alert #13-10](#) because the student is not being transported for the exclusive purpose of receiving a direct medical (SSHSP) service. In order to be Medicaid reimbursable, the vehicle that is transporting the student to this day program would need to be specially modified. To summarize, to be Medicaid reimbursable, the IEP must include the medical need for special transportation and the specific modification to the vehicle that meets the needs of that student, and the student must be traveling to or from a Medicaid reimbursable service.

223. Q. If the student is transported to a specialized program outside of his/her home school district in a vehicle specially modified to meet that student's needs (a program that provides both educational and SSHSP services can that be reimbursed?

A. Yes, if the following criteria are met:

- The specific medical need for special transportation is documented in the student's Individualized Education Program (IEP) and;
- An explanation as to how the transporting vehicle has been specially modified to serve the needs of the student with a disability is documented in the IEP; and
- The student is traveling to or from a Medicaid reimbursable service other than transportation.

224. Q. My question is would the following still be considered a "medical need" as per the 2005 memo?

- **Mobility – e.g., nonambulatory wheelchair bound.**
- **Behavior – e.g., fearful in noisy environments; self-abusive; runs away; cries frequently.**
- **Communication – e.g., hard of hearing; nonverbal; limited understanding of questions and directions; non-English speaking.**
- **Physical – e.g., needs assistive devices to maintain a sitting position; needs assistance walking and going up and down stairs.**
- **Health needs – e.g., has seizures; fatigue – may fall asleep on bus, requires oxygen equipment; use of an inhaler.**

A. Special transportation is Medicaid reimbursable when it is medically necessary and included in the student's IEP. The IEP must specify the student's medical need for special transportation and the specific vehicle modification that will be used to meet that student's needs. In addition, the student must be traveling to or from a Medicaid reimbursable service other than special transportation. The only instances where the vehicle would not have to be specifically modified are the two exceptions noted in [Medicaid Alert #13-10](#).

[Medicaid Alert #13-10](#) clarified that the 2005 memo referenced in this question reflects special education policy and cannot be used to determine if or when special transportation is Medicaid reimbursable. If a Medicaid eligible student's medical need is such that an accommodation other than a specific vehicle modification is required (e.g., nursing care or personal care during transport), the school district may make arrangements outside of the SSHSP, either through the Medicaid program (fee-for-service) or through the student's Medicaid managed care plan.

225. Q. We have a number of children who are attending private programs specializing in treatment of autism. The children receive multiple Medicaid eligible services every day. In some instances such services comprise most of the day. Due to their disability transportation cannot be provided with the general student population. It is provided on a bus with additional staff to who attend to the children during the trip.

A. If the student receives his/her education in the private program, and that is the primary reason for the trip, transportation to and from that program is the responsibility of the school district. In order for the transportation to be Medicaid reimbursable, as indicated in [Medicaid Alert #13-10](#), the following three conditions must be met:

- The specific medical need must be documented in the IEP,
- The IEP must also have an explanation of how the vehicle has been modified to serve the needs of that student with a disability, and,
- The student must be traveling to or from a Medicaid reimbursable service other than special transportation.

226. Q. On page 2 of [Medicaid Alert #13-10](#) there are 2 special circumstances listed where transportation is reimbursable regardless of the type of vehicle used. Aren't these 2 bullets separate scenarios?

A. Yes, these two bullets are separate scenarios.