

# Negotiated Rulemaking Meeting and Comment Summary

**June 19, 2015 1:00 PM (MDT) to 3:00 PM (MDT)**  
**Negotiated Rulemaking DOCKET NO. 16-0309-1501**  
**Meeting in Boise as published in the Administrative Bulletin**  
**Boise and Coeur d'Alene**  
**(see attached attendee lists)**

**Facilitator:** Matt Wimmer, Deputy Administrator, Administration Policy and Innovations

**Facilitator:** Art Evans, Bureau Chief, Bureau of Developmental Disability Services

**Facilitator:** Tiffany Kinzler, Bureau Chief, Bureau of Medical Care

**Bureau of Developmental Disability Services:** Frede Trenkle-MacAllister, Alternative Care Coordinator

**Bureau of Medical Care:** Jeanne Siroky, Alternative Care Coordinator

## Call to Order and Outline Meeting Format

### I. Purpose of Meeting

Therapy Services: IDAPA 16.03.09.730 - 739

School-Based Services: IDAPA 16.03.09.850 – 859

Rule changes are being proposed to clarify gaps that have been identified in these rules and adjust to changes in current Medicaid practice regarding school-based services and therapy services. Further, rule changes are being proposed to adjust requirements currently resulting in unnecessary regulatory burdens on providers in their efforts to remain in compliance with the rules. The negotiated rulemaking meetings listed above will allow stakeholders to provide their input concerning the proposed changes to school-based services and therapy services.

### II. Discussion Points

#### a. Therapy Services

- i. Define and clarify the language for maintenance therapy to align with Medicare.
- ii. Clarify the language about therapy assistants and aides to align with licensing board rules.
- iii. Clarify which providers are included in the therapy cap.
- iv. Redefine the requirements for physician orders/referral based on comments from the therapy organizations and schools to prevent delays in services.
- v. Define the elements of an acceptable plan of care as recommended by the professional organizations.
- vi. Redefine the criteria for feeding therapy.
- vii. Address supervision requirements.

#### b. School-Based Services

- i. Clarify the definition for “Educational Services”
- ii. Clarify the requirement to obtain the authorization to bill Medicaid
- iii. Clarify timeframe for the Physician’s recommendation
- iv. Individualized Education Program
  1. Removal of age limit to comply with federal regulations
- v. Service Detail Reports

1. Clarify requirements for documentation
- vi. Notification to Primary Care Physician
  1. Review and clarify requirement
- vii. Psychosocial Rehabilitation (PSR)
  1. Remove burdensome requirements for student eligibility for service
  2. Review and clarify staff qualifications
- viii. Behavioral Intervention (BI)
  1. Review and clarify student eligibility requirements
  2. Clarify BI definition
  3. Review and clarify group service requirements
  4. Removal of BI paraprofessional qualification that states staff must meet the “standards for paraprofessional supporting students with special needs” to align with the Idaho Special Education Manual
- ix. Personal Care Services
  1. Clarify requirements for the service
  2. Review and clarify personal assistant qualifications to align with highly qualified paraprofessional in the school setting.
- x. Transportation Services
  1. Clarify requirements for the service
- xi. Interpretive Services
  1. Clarify documentation requirements
- xii. Therapy Paraprofessionals
  1. Identify supervision requirements
- xiii. Quality Assurance
  1. Increase quality assurance and quality control activities

### **III. Follow Up**

- a. Written comments for Docket No. 16-0309-1501 are to be submitted on or before July 19, 2015 to:

Frede' Trenkle-MacAllister  
Idaho Department of Health and Welfare  
Attn: Medicaid Central Office  
PO Box 83720  
Boise, ID 83720-0036  
Phone: (208) 287-1169; Fax: (208) 332-7286  
E-mail: [TrenkleF@dhw.idaho.gov](mailto:TrenkleF@dhw.idaho.gov)

## Negotiated Rulemaking - Comment Summary DOCKET NO. 16-0309-1501

**Comments from June 19, 2015 1:00PM (MDT) to 3:00 PM (MDT)  
Written Comments Submitted Post-Meeting, and Responses**

Verbal and written comments were submitted by the following individuals/organizations:  
{List who comments are from}

Comments		Responses	
<b>W-Written V-Verbal</b>	<b>Therapy Services – Feeding Therapy</b>		<b>Policy Change</b>
Verbal Ellison Sanders Jump Start Pediatric Therapy	I'm curious with the feeding therapy what type of language you are considering adding? It's been a question mark even in our practice. It seems a little gray as far as what is covered and what isn't. Our approach has been to only treat children with a diagnose of dysphasia. I wasn't sure what you are considering changing. I would be interested in learning more about that.	Our intent is to add feeding therapy as an OT or an SLP service and define what that is. Currently we only have authority to cover problems with dysphagia/swallowing.	Yes
<b>Therapy Services - Certification</b>			
Verbal Ellison Sanders Jump Start Pediatric Therapy	I think that moving to an annual certification for more chronic conditions will be really helpful in terms of reducing administrative burden. The maintenance clarification will also be extremely helpful. Sounds like there are a lot of positive changes being considered.	We appreciate this input. We agree that this would be an improvement.	Yes