

WSHA Responds to CMS Request for 0-3 Billing Clarification

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In the middle of October 2002, WSHA learned that an attorney in the Department of Health and Family Services (DHFS) was drafting a letter stating that the two licenses that govern the practice of speech-language pathology in Wisconsin were equivalent for the purposes of billing for Medicaid reimbursement when serving the Birth to Three population in the public schools. Just prior to the October Board meeting, WSHA received a *draft version* of this letter to review. At its fall meeting on October 30, the WSHA Executive Board decided to inform the membership when more detailed information was available, so as not to misspeak or cause undue confusion. The Board revisited this issue at the winter meeting on January 30, and a summary of the situation is presented here.

Last fall, then Attorney General Jim Doyle was asked by DHFS and the Department of Public Instruction (DPI) to respond to the concern raised by the Centers for Medicare and Medicaid Services (CMS) about DPI's licensing requirements for speech-language pathologists who work in the schools. The concern raised by CMS is based on 42 CFR s. 440.110(c)(2), which requires a Medicaid speech-language pathology provider to be certified by the American Speech-Language-Hearing Association (ASHA) or to have the equivalent educational and work experience necessary for the certificate. DPI licensure does not require a school-based speech-language pathology licensee to have ASHA certification. Thus, the CMS asked DHFS to obtain a ruling from the State Attorney General that DPI licensure requirements are equivalent to the ASHA requirements for certification.

To add to the difficulty, all of this activity and information-gathering coincided with the November election. Then Attorney General (AG) Doyle, who was to sign the letter written by DHFS and send it to CMS, was elected governor and began the transition out of the AG's office. Peggy Lautenschlager, the new AG, is now the person who will have to send a response to CMS, if requested. The transition to the new administration is still ongoing in Madison, and, reportedly, nothing has been said or done at DHFS regarding this issue since WSHA sent a response shortly after the October Board meeting.

The WSHA Board wants to be very clear that the debate is not about the *value—better or worse—*of either license. In that spirit, and after full review of the licensure details and requirements, WSHA's response can be summarized as follows:

WSHA cannot recommend that the AG conclude that the DPI licensing requirements are *equivalent* to the ASHA certification requirements for school-based speech-language pathologists or for a license to practice issued by the Department of Regulation and Licensing under WI Chapter 459. Speech-language pathologists who are currently practicing in Wisconsin schools with a DPI license but are neither ASHA certified nor licensed under WI Chapter 459 **may or may not** have completed the equivalent educational and work experience necessary for the ASHA certificate. Therefore, Medicaid payments for school-based services should only be made when provided by a DPI-licensed speech-language pathologist who is also either ASHA certified or licensed under WI Statute ch. 459. Services provided by an individual who is neither ASHA certified nor licensed under WI Statute ch. 459 may only be billed if performed under the supervision of a speech-language pathologist who is ASHA certified or licensed under WI Statute ch. 459.

The Board supported a timely, factual response to DHFS, not knowing how quickly things were moving with the election pending. Obviously, this equivalency issue has large implications for many groups, inside and outside of WSHA. These implications may also reach beyond the 0-3 Medicaid billing issue. At this point, WSHA will continue to monitor the status of this issue, inform the membership as information is available, and gather insights, feedback, and input from other WSHA members. Additionally, please consider attending an Executive Board Roundtable session from 6:15-7:30 pm on Friday evening of convention, following the Exhibitor Reception. The Roundtable will include comments from each Board member and time for general member Q&A. Hope to see you there! If you have any questions, please contact WSHA President Tina Radichel (tinaradichel73@hotmail.com).