METHOD OF INDICATING CHANGES

This Accessible PDF version of the proposed regulation text includes the phrase [begin underline] at the beginning of each addition, [end underline] at the end of each addition, [begin strikeout] at the beginning of each deletion, and [end strikeout] at the end of each deletion.

A standard PDF version of this proposed regulation text is also available on the Department's Office of Regulations Internet site.

(1) Adopt Section 51190.4.1 to read:

[begin underline]§ 51190.4.1. Local Educational Agency (LEA) Specialized Medical Transportation Services.

"Local Educational Agency (LEA) Specialized Medical Transportation Services" means medical transportation services provided to an LEA eligible beneficiary who requires a specially adapted vehicle or use of specialized equipment, including but not limited to lifts, ramps or restraints, to accommodate the LEA eligible beneficiary's disability.[end underline]

[begin underline]Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725, 14115.8, 14124.5 and 14132.06, Welfare and Institutions Code. Reference: Sections 14115.8, 14132 and 14132.06, Welfare and Institutions Code; Section 300.34, Title 34 Code of Federal Regulations; and Sections 431.53 and 440.130, Title 42 Code of Federal Regulations.[end underline]

(2) Amend Section 51231.1 to read:

§ 51231.1. Litter Van Requirements.

No changes to Subsections (a) through (e)

(f) ([begin underline]1)[end underline] All litter van patients shall be secured to [begin underline]a[end underline] gurney by restraining belts while being loaded, unloaded and transported.

[begin underline] (2) LEA specialized medical transportation services shall not be subject to subsection (f)(1) if the LEA eligible beneficiary's medical or physical condition does not require the use of a gurney.[end underline]

No changes to Subsections (g) through (h)

Note: Authority cited: [begin underline] Section 20, Health and Safety Code; and [end underline] Sections [begin underline]10725,[end underline] 14105[begin underline],[end underline] [begin strikeout]and[end strikeout] [begin underline]14115.8, [end underline]14124.5[begin underline] and 14132.06[end underline], Welfare and Institutions Code. Reference: Section[begin underline]s 14115.8, [end underline]14132, [begin underline] and 14132.06,[end underline] Welfare and Institutions Code.

(3) Amend Section 51231.2 to read:

§ 51231.2. Wheelchair Van Requirements.

No changes to Subsections (a) through (d)

(e) [begin underline] (1)[end underline] All wheelchair passengers must be secured to wheelchairs while being loaded, unloaded or transported.

[begin underline] (2) LEA specialized medical transportation services shall not be subject to subsection (e)(1) if the LEA eligible beneficiary's medical or physical condition does not require the use of a wheelchair.[end underline]

No changes to Subsections (f) through (g)

Note: Authority cited: [begin underline] Section 20, Health and Safety Code; and[end underline] Sections [begin underline]10725,[end underline] 14105, [begin underline]14115.8, [end underline] [begin strikeout]and [end strikeout]14124.5[begin underline] and 14132.06,[end underline] Welfare and Institutions Code. Reference: Section[begin underline]s 14115.8,[end underline]14132, [begin underline] and 14132.06,[end underline]Welfare and Institutions Code.

(4) Amend Section 51323 to read:

§ 51323. Medical Transportation Services.

(a) Ambulance, litter van and wheelchair van medical transportation services are covered when the beneficiary's medical and physical condition is such that transport by ordinary means of public or private conveyance is medically contraindicated, and transportation is required for the purpose of obtaining needed medical care.

(1) Ambulance services are covered when the patient's medical condition contraindicates the use of other forms of medical transportation.

(2) Litter van services are covered when the patient's medical and physical condition:

(A) [begin underline]1. [end underline]Requires that the patient be transported in a prone or supine position, because the patient is incapable of sitting for the period of time needed to transport.

[begin underline]2. LEA specialized medical transportation services shall not be subject to subsection (a)(2)(A)1.[end underline]

(B) Requires specialized safety equipment over and above that normally available in passenger cars, taxicabs or other forms of public conveyance.

(C) Does not require the specialized services, equipment and personnel provided in an ambulance because the patient is in stable condition and does not need constant observation.

(3) Wheelchair van services are covered when the patient's medical and physical condition:

(A) Renders the patient incapable of sitting in a private vehicle, taxi or other form of public transportation for the period of time needed to transport.

(B) [begin underline] 1. [end underline]Requires that the patient be transported in a wheelchair or assisted to and from residence, vehicle and place of treatment because of a disabling physical or mental limitation.

[begin underline]2. LEA specialized medical transportation services shall not be subject to subsection (a)(3)(B)1.[end underline]

(C) Requires specialized safety equipment over and above that normally available in passenger cars, taxicabs or other forms of public conveyance.

(D) Does not require the specialized services, equipment and personnel provided in an ambulance, because the patient is in stable condition and does not need constant observation.

No changes to Subsections (b) through (c)

Note: Authority cited: [begin underline]Section 20, Health and Safety Code; and[end underline] Section[begin underline]s 10725, 14115.8, [end underline]14124.5[begin underline] and 14132.06[end underline], Welfare and Institutions Code. Reference: Sections[begin underline] 14115.8, [end underline]14132, [begin underline] 14132.06[end underline] and 14136.3, Welfare and Institutions Code.

(5) Amend Section 51360 to read:

§ 51360. Local Educational Agency (LEA) Services.

(a) Local Educational Agency (LEA) Services, as defined in Section [begin underline]5[end underline]1190.4, are covered to the extent specified in this section. Frequency limitations are set forth in Section 51535.5.

(b) LEA Services shall include (1) through (8) below:

(1) LEA health and mental health evaluation and health and mental health education services, which include any or all of the following:

(A) Nutritional assessment and nutrition education, consisting of assessments and non-classroom nutrition education delivered to the LEA eligible beneficiary based on the outcome of the nutritional health assessment (diet, feeding, laboratory values, and growth).

(B) Vision assessment, consisting of examination of visual acuity at the far point conducted by means of the Snellen Test.

(C) Hearing assessment, consisting of testing for auditory impairment using at-risk criteria and appropriate screening techniques as defined in Title 17, California Code of Regulations, Section[begin strikeout]s[end strikeout] 2951(c).

(D) Developmental assessment, consisting of examination of the developmental level by review of developmental achievement in comparison with expected norms for age and background.

(E) Assessment of psychosocial status, consisting of appraisal of cognitive, emotional, social, and behavioral functioning and self-concept through tests, interviews, and behavioral evaluations.

(F) Health education and anticipatory guidance appropriate to age and health status, consisting of non-classroom health education and anticipatory guidance based on age and developmentally appropriate health education.

(2) LEA physical therapy, which consists of physical therapy services as set out in Section 51309(b) when provided by an LEA practitioner to an LEA eligible beneficiary.

(3) LEA occupational therapy, which consists of physical therapy services as set out in Section 51309(c) when provided by an LEA practitioner to an LEA eligible beneficiary.

(4) LEA speech pathology and audiology services, which consist of: speech pathology services as defined in Section 51096, and audiology services as defined in Section 51098 when provided by an LEA practitioner to an LEA eligible beneficiary.

(5) LEA psychology and counseling services, consisting of diagnosis and psychological counseling of LEA eligible beneficiaries with identified mental health, substance abuse, behavioral adjustment, or social problems.

(6) LEA nursing services, consisting of preventive and medically necessary nursing services rendered at the school site. Services for accompanying the LEA eligible beneficiary off-campus for delivery of health services are also reimbursable if specified as medically necessary in the Individualized Education Plan (IEP), as defined in Education Code, Section 56340 et seq.; [begin underline] or in the[end underline] Individualized Family Service Plan (IFSP), as set forth in Government Code, Section 95020[begin strikeout]~~; or Individualized Health and Support Plan (IHSP), as set forth in Section 51535.5(f)(2)(C)~~[end strikeout].

(7) LEA school health aide services, consisting of the direct provision of specialized physical health care services rendered at the school site. Services for accompanying the LEA eligible beneficiary off-campus for delivery of health services are also reimbursable if specified as medically necessary in the child's IEP, as set forth in Education Code, Section 56340 et seq.; [begin underline] or in the[end underline] IFSP, as set forth in Government Code, Section 95020[begin strikeout]~~; or IHSP, as set forth in Section 51535.5(f)(2)(C)~~[end strikeout].

(8) [begin underline] (A) [end underline] LEA [begin underline] specialized[end underline] medical transportation [begin underline]services[end underline] [begin strikeout]~~, which consists of medical transportation as described in Section 51323(a),~~[end strikeout] and the associated mileage.

[begin strikeout]~~(A) For beneficiaries without an IEP or IFSP, services are limited to trips between the school site and a location at which health services are rendered.~~[end strikeout]

(B) For[begin underline] LEA eligible[end underline] beneficiaries with an IEP or IFSP, LEA [begin underline] specialized[end underline] medical transportation[begin underline] services[end underline] may include trips to and from the residence, school site or other sites of service when all of the following conditions are met on the day of service:

1. The[begin underline] LEA eligible[end underline] beneficiary receives a Medicaid covered service other than [begin underline]LEA specialized[end underline] medical transportation [begin underline]services[end underline] at the site being transported to; and

2. Both[begin strikeout]~~,~~[end strikeout] the Medicaid covered service and[begin underline] LEA specialized[end underline] medical transportation[begin underline] services[end underline] are included in the[begin underline] LEA eligible[end underline] beneficiary's IEP or IFSP.

Note: Authority cited: [begin underline]Section 20, Health and Safety Code; and[end underline] Sections 10725[begin underline],[end underline] [begin strikeout]~~and~~ [end strikeout] [begin underline]14115.8, and [end underline]14124.5, Welfare and Institutions Code. Reference: Sections [begin underline]14115.8, [end underline]14124.5, 14131, 14132, [begin underline] 14132.06,[end underline] 14132.15, 14133, 14133.1, 14133.3, 14133.6 and 14133.9, Welfare and Institutions Code; Section 56340 et seq., Education Code; [begin strikeout]~~and~~ [end strikeout]Section 95020, Government Code[begin underline]; and Section 300.34, Title 34 Code of Federal Regulations[end underline].

(6) Amend Section 51491 to read:

§ 51491. Local Educational Agency (LEA) Eligibility for Payment.

Reimbursement for LEA Services shall be limited to those services provided to an LEA Eligible Beneficiary, by an LEA Practitioner, through an LEA Provider.

No changes to Subsections (a) through (g)

(h) LEA[begin underline] specialized[end underline] medical transportation services and [begin underline] associated [end underline]LEA mileage [begin strikeout]~~,~~[end strikeout] shall be reimbursable only if all vehicles, drivers and attendants meet the standards specified in Sections 51231, 51231.1 and 51231.2.

(i) LEA Services shall be reimbursable only when provided at one of the following sites:

(1) At a school site within the LEA Provider's domain in accordance with Section 51270;

(2) In the office or normal place of business of an LEA Practitioner; or

(3) For authorized LEA [begin underline] specialized[end underline] medical transportation services and [begin underline] associated[end underline] LEA mileage, between a school site and a location at which health services are rendered to the[begin underline] LEA eligible[end underline] beneficiary[begin strikeout] ~~except as provided in Section 51360(b)(8)~~[end strikeout].

Note: Authority cited: Sections [begin underline]Section 20, Health and Safety Code; and[end underline] 10725, 14105[begin underline], 14115.8 [end underline]and 14124.5, Welfare and Institutions Code. Reference: Sections 14000, 14018.2, 14053, 14059, 14100.2, 14105, [begin underline] 14115.8,[end underline] 14124.1, 14124.5, 14132,

[begin underline] 14132.06,[end underline] 14133, 14136.5 and 14170, Welfare and Institutions Code; Sections 500 et seq., 4980 and 4981, Business and Professions Code; Sections 44225(b)(4), 44268, 44874, 44877, 49600, 49422, 49423.5 and 49426, Education Code; [begin strikeout] ~~and~~[end strikeout] Sections 1685 and 1686, Health and Safety Code[begin underline]; and Section 300.34, Title 34 Code of Federal Regulations[end underline].