

## Ordering, Referring, and Prescribing Practitioners

Federal law defines “Diagnostic,” “Screening,” “Preventative,” and “Rehabilitative,” services<sup>1</sup> as eligible for Federal Financial Participation (i.e., federal funding) as services that are “recommended by a physician or licensed practitioners of the healing arts within their scope of practice under state law[.]”<sup>2</sup> In addition, Medicaid rules require State Medicaid Agencies, such as the Department of Health Care Services (DHCS) in California, to enroll Ordering, Referring, and Prescribing (ORP) providers in the state’s Medicaid (Medi-Cal) program.<sup>3,4</sup>

Generally, ORP providers are defined as follows:

- » An ‘ordering or referring’ provider is a provider who orders non-physician services such as lab tests, imaging, or durable medical equipment or refers a patient to another provider or facility for services.
- » A ‘prescribing’ provider is a provider who writes prescriptions for medications or services.

CMS guidance<sup>5</sup> states that an “ordering or referring” provider determines or certifies a Medi-Cal member’s need (i.e., medical necessity) for a covered service (e.g., outpatient mental health or substance use disorder services) where the determination or certification that an individual needs or qualifies for the receipt of the service is required for payment of the claim. The “ordering or referring” provider “recommends” Medicaid services eligible for federal reimbursement. To comply with federal Medicaid rules, LEAs, Institutions of Higher Education (IHEs), and affiliated school-linked providers (i.e., billing providers) must list, on each claim for services furnished to a Medi-Cal member, the Type I National Provider Identifier (NPI) number of the Medi-Cal enrolled provider who

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<sup>1</sup> The CYBHI Fee Schedule program covered services fall into these categories.

<sup>2</sup> See [42 C.F.R. § 440.130](#); 42 C.F.R. § 455.410(b); Welfare and Institutions Code § 14043.1(b) and (o).

<sup>3</sup> See [ORP enrollment requirements](#).

<sup>4</sup> See [42 C.F.R § 455.410\(b\)](#)

<sup>5</sup> <https://www.medicaid.gov/medicaid/program-integrity/downloads/mpec.pdf> (p. 19).

ordered, referred, or prescribed the services or goods that are being billed, in addition to the NPI number of the rendering provider who provided the services.

ORP providers are not financially liable for services they refer, order or prescribe as long as:

- » The ORP provider is properly enrolled<sup>6</sup> in the Medi-Cal program.
- » The services are medically necessary and covered [as part of the CYBHI Fee Schedule program].
- » The referral or order is within their scope of practice under state law.

However, liability may arise if:

- » The provider knowingly refers for services that are not covered under the State's Medicaid Plan or medically unnecessary.
- » There is fraud, abuse, or waste (e.g., misrepresentation) involved.
- » The ORP provider is excluded from participation in Medicaid or fails to meet enrollment requirements.<sup>7</sup>

ORP providers are responsible for carrying out these responsibilities within their scope of practice and in accordance with applicable clinical practice guidelines and licensing standards.

Credentialed school nurses, who hold a School Nurse Services Credential issued by the California Commission on Teacher Credentialing, can serve as an ORP provider and can recommend CYBHI-covered services<sup>8</sup> within their scope of practice. The scope of practice for a credentialed school nurse includes the following:<sup>9</sup>

- » Identifying students with behavioral health needs (i.e., mental health conditions or disorders or substance misuse or use disorders) through screenings and observations;
- » Referring students to appropriate mental health professionals for intervention support and/or treatment;
- » Participating in IEP and 504 Plan development;

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<sup>6</sup> See [Ordering-Referring-Prescribing-Enrollment](#) presentation for more information about ORP enrollment.

<sup>7</sup> [https://www.dhcs.ca.gov/provgovpart/Pages/Ordering\\_Referring\\_Prescribing\\_Providers.aspx](https://www.dhcs.ca.gov/provgovpart/Pages/Ordering_Referring_Prescribing_Providers.aspx).

<sup>8</sup> <https://www.dhcs.ca.gov/CYBHI/Pages/Fee-Schedule.aspx>.

<sup>9</sup> See Business and Professions Code § 2725; Education Code § 49426;

[https://www.ctc.ca.gov/credentials/leaflets/school-nurse-services-credential-\(cl-380\)](https://www.ctc.ca.gov/credentials/leaflets/school-nurse-services-credential-(cl-380)).

- » Creating an Individual Health Care plan as appropriate;
- » Providing health counseling related to emotional and behavioral issues;
- » Recommending behavioral health services (e.g., psychoeducation, counseling) under the CYBHI Fee Schedule program and the LEA BOP, if enrolled as an ORP-only provider.<sup>10</sup>

Behavioral health diagnosis and psychotherapy services are not in scope for credentialed school nurses. As such, a credentialed school nurse cannot serve as an ORP provider for psychotherapy services. For psychotherapy services, a Medi-Cal enrolled physician or licensed practitioner of the healing arts (e.g., licensed psychologist, licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor) can serve as an ORP provider. It is not required for ORP providers to be employees of an LEA or IHE. An LEA or IHE could, for example, arrange for a community-based provider or another vendor partner to furnish a Medi-Cal enrolled ORP provider to certify the determination of medical necessity.

DHCS does not require ORP providers to conduct a face-to-face evaluation with the student for CYBHI covered services (or LEA BOP services) that are ordered, referred, or prescribed by ORP providers. ORP providers may determine medical necessity either before or after a service is provided based on a review of records and/or clinical protocols or assessments conducted by other qualified CYBHI providers (e.g., PPS-credentialed school psychologists, school counselors, and school social workers).

ORP providers may issue a “standing recommendation” for each student based on the individual student’s presenting issues and needs, rather than conducting a new face-to-face evaluation or a retrospective review of records for each service, as long as the standing recommendation is based on evidence-based guidelines and reviewed and updated as clinically appropriate and at least annually. In addition, the “standing recommendation” must be recorded in the student’s records (e.g., electronic health records).

NOTE: ORP requirements are **only** applicable to the Medi-Cal program and Medi-Cal claiming. Claims for services furnished to students with commercial health insurance or disability health insurance do not require an ORP provider’s NPI to be listed on the claim.

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<sup>10</sup> [https://www.dhcs.ca.gov/provgovpart/Documents/ACLSS/LEA%20BOP/FAQs/ORP\\_FAQs\\_REV.pdf](https://www.dhcs.ca.gov/provgovpart/Documents/ACLSS/LEA%20BOP/FAQs/ORP_FAQs_REV.pdf).