



State of California—Health and Human Services Agency
Department of Health Care Services



GAVIN NEWSOM
GOVERNOR

DATE: October 4, 2021

PPL No. 21-024

TO: Local Educational Agencies (LEAs)

SUBJECT: LOCAL EDUCATIONAL AGENCY MEDI-CAL BILLING OPTION PROGRAM (LEA BOP) NOTIFICATION OF PROPOSED REGULATION UPDATE RELATED TO AUTHORIZATION OF SPEECH PATHOLOGY AND AUDIOLOGICAL SERVICES, OCCUPATIONAL THERAPY SERVICES AND PHYSICAL THERAPY SERVICES

This Policy and Procedure Letter (PPL) notifies all LEAs participating in the LEA BOP that the Department of Health Care Services (DHCS) is moving forward with a proposed regulation package that will amend 22 California Code of Regulations (CCR) § 51309 (Psychology, Physical Therapy, Occupational Therapy, Speech Pathology and Audiological Services) and CCR § 51360 (LEA Services) to include additional licensed practitioners authorized to provide referrals or prescriptions for specified LEA BOP treatment services.

Currently, under CCR § 51309, speech pathology and audiological services require a written referral of a physician or dentist; similarly, occupational therapy and physical therapy treatment services require a written prescription by a physician, dentist, or podiatrist. The LEA BOP is proposing a regulation change to § 51309 that would exclude LEA services from these general Medi-Cal requirements, in order to expand authorization requirements for services billable under the LEA BOP. In order to accomplish this goal, DHCS proposes to amend § 51309 to allow LEA BOP speech pathology and audiology services to be referred by a physician, dentist, **licensed speech-language pathologist or licensed audiologist**, within their scope of practice. DHCS will also propose an amendment to § 51309 that will allow **licensed physical therapists and licensed occupational therapists** to authorize the prescription of LEA BOP physical therapy and occupational therapy services, within the practitioner's scope of practice.

Until the regulations package is approved and the amended regulations are adopted, the existing LEA BOP policy regarding the use of a physician-based standards protocol for referral to speech therapy and audiological treatment services will remain in effect. See the LEA BOP Provider Manual, sections *loc ed serv spe* and *loc ed serv hear*, for additional detail on the physician-based standards requirements. However, once the amended regulations are adopted, the physician-based standards protocol will no

longer be an option that LEAs can utilize to refer students for speech therapy or audiological treatment services; this policy will not have a retroactive effective date once it is adopted. In addition, the existing authorization requirements for occupational therapy and physical therapy treatment services will remain in effect prior to approval and adoption of the proposed regulations package. Upon implementation of the new regulations, occupational therapists and physical therapists will be able to refer for occupational therapy and physical therapy treatment services, respectively; these policies will not have a retroactive effective date once they are adopted.

DHCS will inform LEAs via a separate policy and procedure letter when the amended regulations are adopted, at which point LEA Providers may begin using the expanded authorization flexibilities for speech, audiological, occupational therapy, and physical therapy **treatment services**. Until such time, the LEA Provider Manual contains the current program policy on authorization requirements for these practitioner types.

Please contact the LEA BOP at LEA@dhcs.ca.gov with any questions regarding this PPL.

Sincerely,

ORIGINALLY SIGNED BY BRIAN FITZGERALD

Brian Fitzgerald, Chief
Local Governmental Financing Division, Department of Health Care Services