



## COLORADO

Department of Health Care  
Policy & Financing

303 E. 17th Ave, Suite 1100  
Denver, CO 80203

May 3, 2024

### RE: Community Providers in a School Setting

Dear Parents, Advocates and School District Personnel:

With this letter, the Department of Health Care Policy and Financing (HCPF) is clarifying and updating our February 2024 guidance regarding community providers billing Medicaid fee-for-service when providing services to students in the school setting. As stated in our prior communication, HCPF sought further guidance from our federal partners on this important subject.

Since the February 2024 communication, HCPF received clarification from our federal partners that community providers may be allowed to bill fee-for-service for services provided to children during the school hours at school.

In order for community providers to bill fee-for-service for providing care to children in a school setting, the following requirements must be met:

- In accordance with [HB 22-1260](#), outside providers must follow the school district policy that went into effect July 1, 2023 regarding care ordered by qualified providers for medically necessary treatment. According to the legislation, a school district's policy must address the process in which a private health care specialist may observe the student in the school setting, collaborate with instructional personnel in the school setting and provide medically necessary treatment in the school setting as well as the student's right to appeal.
- Any provider that is not contracted or employed by the public school district may not be on the SHS time study roster.
- Community providers may only bill fee-for-service and not be a part of the school district claiming under the SHS Program.
- Services that fall under the SHS Program are carved out of any maximums of the child's benefit.
- Any service that is billed fee-for-service by an outside provider and requires prior authorization must have a current, approved Prior Authorization Request (PAR) in place, and all services must be billed according to the approved PAR.
- A safe and secure environment must be met for the student receiving the service as well as for all students.



In addition to the requirements listed above, the following considerations should also be taken into account:

- If the school district is no longer overseeing the service delivery, the Individualized Education Plan (IEP) may no longer serve as the back-up that requires the service to be delivered.
- School districts may have their own background check or other requirements.

Under federal education law, public school districts are required to provide services that an IEP team has determined are needed for a child with a disability to access a Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA). When an IEP is developed, the team must consider the need for related services, including school health services and school nurse services when these services are necessary to allow the child to benefit from special education services. If these related services are needed, they must be documented in the child's IEP, provided at no cost to the parent, and delivered under the supervision and direction of the district. Information from medical providers must be considered by the child's IEP team, but school districts are not obligated to include all of the doctor's recommendations, if they are not needed for the student to benefit from special education. The rationale for the school district's decision regarding health/related services should be documented in the IEP or included in a prior written notice.

If parents have unresolved issues after contacting their child's school, they are encouraged to follow IDEA's dispute resolution process found here: [cde.state.co.us/spedlaw](http://cde.state.co.us/spedlaw). School districts may also request facilitated IEP meetings and mediation at any time in an effort to resolve disagreements between parents and school staff regarding IEP services.

Questions regarding the SHS Program should be directed to Program Administrator Olga Gintchin at [olga.gintchin@state.co.us](mailto:olga.gintchin@state.co.us) or Special Financing Deputy Division Director Shannon Huska at [shannon.huska@state.co.us](mailto:shannon.huska@state.co.us). Questions regarding community providers should be directed to the relevant fee-for-service benefit.

Sincerely,



Adela Flores-Brennan  
Medicaid Director  
Health Policy Office

