

4. Holds an active staff appointment with specialty privileges in a voluntary or governmental hospital which is approved for training in the specialty in which the physician has privileges; or

5. Is recognized in the community as a specialist by his or her peers.

“Specialist in dentistry” means an individual who is licensed to practice dentistry in the state in which treatment is provided, and whose practice is limited solely to his or her specialty, which is recognized by the American Dental Association. Additional conditions regarding the qualifications for a dental specialist for the New Jersey Medicaid and NJ KidCare fee-for-service programs are located in the New Jersey Medicaid and NJ KidCare fee-for-service programs’ Dental Services chapter, N.J.A.C. 10:56.

“Specialist in podiatry” means an individual who is licensed to practice podiatry in the state in which treatment is provided, and who is a Diplomate of the appropriate American Podiatry Association-recognized board or has been notified of admissibility to examination by the appropriate American Podiatry Association recognized board.

“Therapeutic subcontract work activity” means production, assembly and/or packing/collating tasks for which individuals with disabilities performing these tasks are paid less than minimum wage and, pursuant to 29 C.F.R. § 525, a special minimum wage certificate has been issued to the organization/program by the U.S. Department of Labor.

“Vocational services” means those interventions, strategies and activities that assist individuals to acquire skills to enter a specific occupation and take on the role of colleague (that is, a member of a profession) and/or assist the individual to directly enter the workforce and take on the role of an employee, working as a member of an occupational group for pay with a specific employer.

Amended by R.1996 d.331, effective July 15, 1996.

See: 28 N.J.R. 1952(b), 28 N.J.R. 3573(b).

Amended by R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

In “Personal care assistant”, inserted references to NJ KidCare throughout 1; and in “Specialist in dentistry”, inserted references to NJ KidCare fee-for-service throughout.

Amended by R.2002 d.271, effective August 19, 2002.

See: 33 N.J.R. 4087(a), 34 N.J.R. 2966(a).

Added “Managed care wraparound payments”, “Medicare Economic Index (MEI)” and “Prospective Payment System (PPS); Rewrote “Medicare limit”.

Amended by R.2004 d.75, effective February 17, 2004.

See: 35 N.J.R. 2154(a), 36 N.J.R. 952(b).

Added definitions for “Mental health services worker”, “Prevocational services”, “Special minimum wage certificate”, “Therapeutic subcontract work activity” and “Vocational services”.

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Rewrote the section.

Amended by R.2006 d.25, effective January 17, 2006.

See: 37 N.J.R. 3176(a), 38 N.J.R. 802(a).

Added “or similarly licensed by a comparable agency of the state in which the facility is located” to definitions “Ambulatory care facility,” “Ambulatory care/family planning facility,” Ambulatory surgical center

(ASC),” “Dental clinic,” “Drug treatment center” and “Mental health clinic.”

10:66-1.3 Provisions for provider participation

(a) Each independent clinic, including each satellite, shall be individually approved by the New Jersey Medicaid and NJ FamilyCare fee-for-service programs and enrolled with the Division’s fiscal agent, for approved service(s). If a clinic wishes to add a service(s), approval from the New Jersey Medicaid and NJ FamilyCare fee-for-service programs shall be obtained before reimbursement for the service(s) may be claimed. For additional details, see the Administration chapter, N.J.A.C. 10:49-3.2, Enrollment process, and N.J.A.C. 10:49-3.3, Providers with multi-locations.

1. All clinical practitioners directly affiliated with the clinic shall enroll in the New Jersey Medicaid and NJ FamilyCare fee-for-service programs, as indicated in the Administration chapter at N.J.A.C. 10:49-3.4, in order to obtain an individual Medicaid and NJ FamilyCare fee-for-service Provider Number(s).

2. (Reserved)

(b) Each independent clinic seeking enrollment in the New Jersey Medicaid and NJ FamilyCare fee-for-service programs shall possess a certificate of need and/or license, if required, from the New Jersey State Department of Health and Senior Services or the Division of Mental Health Services of the New Jersey Department of Human Services, or from both agencies, or possess similar documentation by a comparable agency of the state in which the facility is located.

1. The facility shall provide only those services for which it is licensed or authorized to provide by the New Jersey State Department of Health and Senior Services or the Division of Mental Health Services of the New Jersey Department of Human Services, or both, if applicable, or for which the facility is similarly licensed or authorized by a comparable agency of the state in which the facility is located.

2. A photocopy of the license shall be forwarded to the New Jersey Medicaid and New Jersey FamilyCare fee-for-service programs as an attachment to the clinic’s initial application for enrollment and when the license is renewed on an annual basis.

(c) In addition to N.J.A.C. 10:66-1.3(a) and (b) above, each independent clinic shall obtain approval from the relevant Federal and State agency(ies), as required by law, rule and/or regulation, including, but not limited to, the following:

1. For an ambulatory surgical center, an agreement with the Centers for Medicare & Medicaid Services (CMS) under Medicare to participate as an ambulatory surgical center and licensure as an ambulatory surgical center, by the New Jersey State Department of Health and Senior

Services or by a comparable agency of the state in which the facility is located;

2. For a Federally qualified health center, approval by the Centers for Medicare & Medicaid Services as a Federally qualified health center and licensure, by the New Jersey State Department of Health and Senior Services or by a comparable agency of the state in which the facility is located, as an ambulatory care facility;

3. For an ambulatory care/family planning/surgical facility, licensure as an ambulatory care/family planning/surgical facility by the New Jersey State Department of Health and Senior Services or by a comparable agency of the state in which the facility is located;

4. For a dental clinic, a permit to operate shall be obtained from the State Board of Registration and Examination in Dentistry (see N.J.A.C. 13:30-4.2) or from a comparable agency of the state in which the facility is located, prior to enrollment as a dental clinic provider, and shall remain in effect;

5. For a mental health clinic, approval by the Division of Mental Health Services of the New Jersey Department of Human Services or by a comparable agency of the state in which the facility is located; and

6. For child health conferences, approval by the New Jersey State Department of Health and Senior Services in accordance with N.J.A.C. 8:52 and as indicated at N.J.A.C. 10:66-3, or by a comparable agency of the state in which the facility is located.

(d) Each out-of-State clinic seeking reimbursement for services provided to New Jersey Medicaid and NJ FamilyCare fee-for-service beneficiaries shall enroll, if the clinic is approved by Title XIX (Medicaid) in its own state, in the New Jersey Medicaid and NJ FamilyCare fee-for-service programs as indicated in the Administration chapter at N.J.A.C. 10:49-3.2(c).

(e) Each Medicaid or NJ FamilyCare fee-for-service beneficiary's care in an independent clinic shall be under the supervision of a physician directly affiliated with the clinic. The Medical Director or his or her designee shall assume professional responsibility for the services provided and thus assure that the services are medically appropriate.

(f) A physician affiliated with a clinic shall spend as much time in the facility as is necessary to assure that Medicaid and NJ FamilyCare fee-for-service beneficiaries are receiving services in a safe and efficient manner in accordance with accepted standards of medical and dental practice.

(g) For a physician to be affiliated with a clinic, there shall be a contractual agreement or some other type of formal, written arrangement on file at the facility between the physician and the facility by which the physician is obligated to supervise the care provided to the clinic's Medicaid and NJ FamilyCare fee-for-service beneficiaries.

1. The contractual agreement or formal, written arrangement shall indicate the physician's responsibilities and compensation.

(h) The clinic's medical staff, including physicians, dentists, and other practitioners, shall be appropriately licensed in order to provide the medical care delivered to Medicaid and NJ FamilyCare fee-for-service beneficiaries.

Amended by R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Inserted references to NJ KidCare fee-for-service and substituted references to beneficiaries for references to recipients throughout.

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Rewrote the section.

Amended by R.2006 d.25, effective January 17, 2006.

See: 37 N.J.R. 3176(a), 38 N.J.R. 802(a).

Rewrote (b).

10:66-1.4 Prior authorization (PA)

(a) In addition to N.J.A.C. 10:49-6.1, this section outlines prior authorization (PA) requirements for dental, mental health, and vision care services, as specified in (b), (c) and (d) below, respectively. Prior authorization as specified in N.J.A.C. 10:49-2.6 shall be required for out-of-State clinics for specified dental, mental health and vision care services in accordance with N.J.A.C. 10:49-6 and in accordance with specific provider chapters. Prior authorization requirements by the Primary Care Provider (PCP) for persons participating in managed health care programs are located at N.J.A.C. 10:49-21.4(c).

(b) Dental services shall be prior authorized as indicated in the New Jersey Medicaid and NJ FamilyCare fee-for-service programs' Dental Services chapter, N.J.A.C. 10:56-1.4.

(c) In addition to the other requirements of this section, mental health services provided to each Medicaid or NJ FamilyCare fee-for-service beneficiary require prior authorization when payment to an independent clinic exceeds \$6,000 for that Medicaid or NJ FamilyCare fee-for-service beneficiary in any 12-month period, commencing with the beneficiary's initial visit.

1. The maximum period of authorization shall not exceed 12 months for all mental health services. Additional authorizations may be requested.

i. The maximum period of authorization for partial care shall not exceed six months.

2. When requesting prior authorization, Forms FD-07 and FD-07A, "Request for Authorization of Mental Health Services and/or Mental Health Rehabilitation Services" and "Request for Prior Authorization: Supplemental Information," shall be completed and forwarded to: the Medical Assistance Customer Center (MACC) that serves the county in which the services are rendered. See the

5. Similarly, a new request for authorization is required for a medical/remedial therapy session or encounter that departs from the plan of care in terms of increased need, scheduling, frequency, or duration of services furnished (for example, unscheduled emergency services furnished during an acute psychotic episode).

6. If the request for prior authorization is approved, the Division's fiscal agent shall notify the provider in writing regarding the Division's decision; authorized date or time frame; and activation of the prior authorization number. If the request is modified, denied, or if the Division requires additional information, the provider is so notified in writing by the fiscal agent.

(d) Vision care services require prior authorization as indicated in the New Jersey Medicaid and NJ FamilyCare fee-for-service programs' Vision Care Services chapter, N.J.A.C. 10:62-1.16 and 2.5.

(e) Transportation services to and from a drug treatment center shall be prior authorized after 60 days of treatment at the drug treatment center. The provider shall request prior authorization by completing and forwarding Form MC-12(A), Transportation Prior Authorization Form, to: Unisys Corporation, Transportation Unit, PO Box 4813, Trenton, NJ 08650, or fax to 1-609-588-0816. See the Fiscal Agent Billing Supplement, N.J.A.C. 10:66 Appendix, for instructions on the completion of the prior authorization form.

Amended by R.1998 d.577, effective December 7, 1998.
See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Inserted references to NJ KidCare fee-for-service and substituted references to beneficiaries for references to recipients throughout; and in (a), changed N.J.A.C. reference.

Amended by R.2003 d.182, effective May 5, 2003.
See: 34 N.J.R. 4303(a), 35 N.J.R. 1901(a).

In (c), substituted references to NJ FamilyCare for references to NJ KidCare fee-for-service in the introductory paragraph, rewrote 2, and substituted "FD-07A "Request for Prior Authorization: Supplemental Information" " for "prior authorization" in 3.

Amended by R.2004 d.75, effective February 17, 2004.
See: 35 N.J.R. 2154(a), 36 N.J.R. 952(b).

In (b) and (e), substituted "FamilyCare" for "KidCare"; rewrote (c) and (d).

Amended by R.2004 d.208, effective June 7, 2004.
See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Rewrote the section.

10:66-1.5 Basis for reimbursement

(a) Except as indicated at (c) through (e) below, reimbursement to independent clinics is in accordance with the maximum fee schedule indicated at N.J.A.C. 10:66-6.2 and is based on the same fees, conditions, and definitions for corresponding services governing the reimbursement of Medicaid-participating and NJ FamilyCare fee-for-service-participating practitioners in "private" (independent) practice. Reimbursement is made directly to the clinic.

1. An independent clinic shall charge for services to all patients, except as provided by legislation. No charge will be made directly to the Medicaid or NJ FamilyCare

fee-for-service beneficiary, and the charge to the New Jersey Medicaid and NJ FamilyCare fee-for-service programs may not exceed the charge by the clinic for identical services to other groups or individuals in the community.

(b) The HCPCS procedure code system, N.J.A.C. 10:66-6, contains procedure codes and maximum fee allowances corresponding to Medicaid-reimbursable and NJ FamilyCare fee-for-service-reimbursable services. An independent clinic may claim reimbursement for only those HCPCS procedure codes that correspond to the allowable services included in the clinic's provider enrollment approval letter, as indicated at N.J.A.C. 10:66-1.3(a).

1. If a HCPCS procedure code(s), approved for use by a specific clinic, is assigned both a specialist and non-specialist maximum fee allowance, the amount of the reimbursement will be based upon the status (specialist or non-specialist) of the individual practitioner who actually provided the billed service. To identify this practitioner, enter the Medicaid and NJ FamilyCare fee-for-service Provider Services Number in the appropriate section of the claim, as indicated in the Fiscal Agent Billing Supplement, N.J.A.C. 10:66 Appendix.

(c) The basis for reimbursement of services provided in an ambulatory surgical center (ASC) is as follows:

1. Reimbursement shall be made for services rendered by both the ASC facility and the attending physician, if the physician is not reimbursed for surgical/medical services by the facility.

2. For facility reimbursement, surgical procedures performed in an ASC are separated into a classification system as specified by CMS and published in the Federal Register in accordance with 42 CFR 416.65(c), the Federal regulations governing ASC services.

i. A single payment is made to an ASC which encompasses all facility services furnished by the ASC in connection with a covered procedure performed on a patient in a single operative session.

ii. If more than one covered surgical procedure is performed on a patient during a single operative session, payment is limited to two procedures, provided that the two procedures are performed at separate operative body sites.

(1) Full payment shall be made for the procedure with the highest Medicaid or NJ FamilyCare fee-for-service reimbursement allowance. Payment for the other procedure shall be at 50 percent of the applicable reimbursement allowance for that procedure. Total reimbursement may not exceed 150 percent of the primary procedure allowance.

iii. The ASC facility payment for all procedures in each group is established at a single rate, as follows:

Group	Maximum Fee Allowance
1	\$195.00
2	\$261.00
3	\$300.00
4	\$369.00
5	\$421.00
6	\$541.00
7	\$585.00
8	\$627.00
9	\$794.00

Note: Should the Centers for Medicare & Medicaid Services (CMS) amend the group designation for any procedure(s), the maximum fee allowance for the newly designated group shall apply and shall not be construed as a fee increase/decrease to the affected procedure(s).

3. Physician reimbursement shall be in accordance with the New Jersey Medicaid and NJ FamilyCare fee-for-service programs' Physician Maximum Fee Allowance for specialist and non-specialist, N.J.A.C. 10:54, and the following:

i. When submitting a claim, the physician performing the surgical procedure shall use the applicable claim form, billing the New Jersey Medicaid or NJ FamilyCare fee-for-service program either as an individual provider or as a member of a physician's group.

ii. A physician on salary for administrative duties (such as a medical director) shall be permitted to submit claims for surgical/medical services performed. Administrative duties shall be considered a direct cost of the facility and shall be included in the clinic payment.

(d) The basis for reimbursement for services provided in a Federally qualified health center (FQHC) for periods prior to January 1, 2001 shall be as follows:

1. For cost reporting periods beginning prior to January 1, 1994, FQHC reimbursement shall be made at an interim encounter rate as described in (d)3 below. The interim encounter rate includes an add-on for the cost expended by a FQHC for the outstationing of county welfare agency (CWA) staff to determine Medicaid eligibility. An FQHC's financial responsibility for outstationing activities is equivalent to the non-Federal share (currently 50 percent) of estimated CWA costs for the calendar year.

i. Estimated outstationing charges for each FQHC shall be used to determine the amount to be withheld from Medicaid payments and disbursed to CWAs each calendar quarter.

ii. Withholdings (see (d)1i above) shall be made at the beginning of each calendar quarter in an amount equal to one-fourth of the estimated annual outstation charge for each FQHC.

2. For cost reporting periods beginning on and after January 1, 1994, FQHC reimbursement shall be based on the same HCPCS procedure code fees, conditions and definitions for corresponding services governing the reimbursement of Medicaid-participating and NJ KidCare-participating practitioners in "private" (independent) practice, in accordance with N.J.A.C. 10:54-9 and 10:56-3 and reimbursement of independent clinics in accordance with this chapter.

i. FQHC reimbursement shall include an interim encounter rate as described in (d)3 below to be billed once for each Medicaid fee-for-service FQHC encounter. FQHCs shall bill HCPCS fees excluding the encounter procedure codes. The interim encounter rate shall be based upon all reasonable costs not reimbursed by the HCPCS procedure code fees, and shall include an add-on for the cost expended by a FQHC for the outstationing of county welfare agency staff to determine Medicaid or NJ KidCare eligibility. An FQHC's financial responsibility for outstationing activities is equivalent to the non-Federal share (currently 50 percent) of estimated CWA costs for the calendar year.

ii. Estimated outstationing charges for each FQHC shall be used to determine the amount to be withheld from Medicaid and NJ KidCare-Plan A fee-for-service payments and disbursed to CWAs each calendar quarter.

iii. Withholdings (see (d)2ii above) shall be made at the beginning of each calendar quarter in an amount equal to one fourth of the estimated annual outstation charge for each FQHC.

3. The interim encounter rate shall be determined as follows:

i. For cost reporting periods beginning prior to January 1, 1992:

(1) For those FQHCs that have filed a Medicare cost report, the interim encounter rate shall be the current Medicare interim encounter rate.

(2) For those FQHCs that have not filed a Medicare cost report, the interim encounter rate shall be an average of the interim encounter rates described in (d)3i(1) above.

ii. For cost reporting periods beginning on and after January 1, 1992 and prior to January 1, 1994:

(1) The interim encounter rate shall be the prior year's actual encounter rate as calculated from the Medicaid cost report which shall be incremented by the medical care component of the Consumer Price Index. The interim encounter rate may be adjusted to approximate the reimbursable cost the FQHC is currently incurring to provide covered services to Medicaid beneficiaries.

1. Technical or occupational skills training;
2. College preparation;
3. Student education, including preparation of school-assigned classwork or homework; and
4. Individualized job development.

(g) The Division will not reimburse any provider for vocational services provided within the context of a partial care program.

1. Vocational services shall be those interventions, strategies and activities that assist individuals to acquire skills to enter a specific occupation and take on the role of colleague (that is, a member of a profession) and/or assist the individual to directly enter the workforce and take on the role of an employee, working as a member of an occupational group for pay with a specific employer.

(h) When, in the judgment of the treatment team, an individual is determined appropriate for discharge or referral to another employment-related service provider or situation, and has demonstrated mastery of individualized goals and objectives, such as: an ability to respond appropriately to criticism, make decisions, negotiate for needs, deal with interpersonal issues, manage psychiatric symptoms and adhere to medical prescriptions, the service provider shall:

1. Update the individual treatment goal;
2. Revise the discharge plan; and
3. Refer the individual to a community work setting, if such referral is appropriate for the individual.

(i) The Division will reimburse a provider for prevocational services provided to eligible beneficiaries within the context of a partial care program when the services consist of therapeutic subcontract work activity, and when all of the following requirements are met:

1. The therapeutic subcontract work activity shall consist of production, assembly and/or packing/collating tasks for which individuals with disabilities performing these tasks are paid less than minimum wage, and, pursuant to 29 C.F.R. § 525, a special minimum wage certificate has been issued to the organization/program by the U.S. Department of Labor;
2. The individual's plan of care shall contain a stipulation that the therapeutic subcontract work activity is a form of intervention intended to address the individual deficits of the patient as identified in the client's assessment;
3. The therapeutic subcontract work activity shall be facilitated by a qualified mental health services worker;
4. The therapeutic subcontract work activity shall be performed within the line of sight of the qualified mental health services worker; and

5. The staff to client ratio shall not exceed a ratio of 1:10 qualified mental health services worker to client.

(j) An intake evaluation shall be performed within 14 days of the first encounter or by the third clinic visit, whichever is later, for each beneficiary being considered for continued treatment. This evaluation shall consist of a written assessment that:

1. Evaluates the beneficiary's mental condition;
2. Determines whether treatment in the program is appropriate, based on the beneficiary's diagnosis;
3. Includes certification (signed statement) by the evaluation team that the program is appropriate to meet the beneficiary's treatment needs; and
4. Is made part of the beneficiary's records.
5. The evaluation for the intake process shall include a physician and an individual experienced in diagnosis and treatment of mental illness. Both criteria may be satisfied by the same individual, if appropriately qualified.

(k) A written, individualized plan of care shall be developed for each beneficiary who receives continued treatment. The plan of care shall be designed to improve the beneficiary's condition to the point where continued participation in the program (beyond occasional maintenance visits) is no longer necessary. The plan of care shall be included in the beneficiary's records and shall consist of:

1. A written description of the treatment objectives including both the treatment regimen and the specific medical/remedial services, therapies, and activities that shall be used to meet the objectives;
2. A projected schedule for service delivery which includes the frequency and duration of each type of planned therapeutic session or encounter;
3. The type of personnel that will be furnishing the services; and
4. A projected schedule for completing reevaluations of the beneficiary's condition and updating the plan of care.

(l) The mental health clinic shall develop and maintain legibly written documentation to support each medical/remedial therapy service, activity, or session for which billing is made.

1. This documentation, at a minimum, shall consist of:
 - i. The specific services rendered, such as individual psychotherapy, group psychotherapy, family therapy, etc., and a description of the encounter itself (that is, statement of patient progress noted, significant observations noted, etc.);
 - ii. The date and time that services were rendered;

iii. The duration of services provided (one hour, ½ hour, etc.);

iv. The signature of the practitioner or provider who rendered the services;

v. The setting in which services were rendered; and

vi. A notation of unusual occurrences or significant deviations from the treatment described in the plan of care.

2. Clinical progress, complications and treatment which affect prognosis and/or progress shall be documented in the beneficiary's medical record at least once a week, as well as any other information important to the clinical picture, therapy, and prognosis.

3. The individual services under partial care shall be documented on a daily basis. More substantive documentation, including progress notes and any other information important to the clinical picture, are required at least once a week.

(m) Periodic review of the beneficiary's plan of care shall take place on a regular basis (at least every 90 days during the first year and every six months thereafter).

1. The periodic review shall determine:

i. The beneficiary's progress toward the treatment objectives;

ii. The appropriateness of the services being furnished; and

iii. The need for the beneficiary's continued participation in the program.

2. Periodic reviews shall be documented in detail in the beneficiary's records and made available upon request to the New Jersey Medicaid or NJ FamilyCare program or its agents.

(n) When requesting reimbursement for the following HCPCS procedure codes for rehabilitative services, a separate service line shall be completed for each day that the service is provided. Providers shall not "span bill" for services.

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Recodified from N.J.A.C. 10:66-2.5 and amended by R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Substituted references to beneficiaries for references to recipients throughout; in (b), inserted a reference to NJ KidCare fee-for-service; and in (h)2, inserted a reference to NJ KidCare. Former N.J.A.C. 10:66-2.7. Transportation services, recodified to N.J.A.C. 10:66-2.17. Amended by R.2003 d.69, effective February 3, 2003.

See: 34 N.J.R. 3183(a), 35 N.J.R. 888(a).

In (b) and (h)2, substituted "NJ FamilyCare" for "NJ KidCare"; added (i).

Amended by R.2004 d.75, effective February 17, 2004.

See: 35 N.J.R. 2154(a), 36 N.J.R. 952(b).

Rewrote (a), (b) and (d); added new (e) through (i); recodified former (e) through (i) as (j) through (n).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Rewrote the section.

10:66-2.8 (Reserved)

New Rule, R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Former N.J.A.C. 10:66-2.8. Miscellaneous, recodified to N.J.A.C. 10:66-2.19.

Repealed by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Section was "Obstetrical services".

10:66-2.9 Other services

Other services, such as evaluation and management (E/M), and minor surgery are reimbursable when billed by an independent clinic individually approved to provide the service(s) as indicated at N.J.A.C. 10:66-1.3, Provisions for provider participation. See N.J.A.C. 10:66-6 (HCPCS) for the procedure codes and maximum fee allowances corresponding to the Medicaid-reimbursable and NJ FamilyCare fee-for-service-reimbursable service(s).

New Rule, R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Inserted "E/M" following "evaluation and management" in the first sentence and substituted "FamilyCare" for "KidCare" in the final sentence.

10:66-2.10 Pharmaceutical services

For covered pharmaceutical services, see the New Jersey Medicaid and NJ FamilyCare fee-for-service program's Pharmaceutical Services chapter, N.J.A.C. 10:51.

New Rule, R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Substituted "FamilyCare" for "KidCare".

10:66-2.11 Podiatric services

(a) Podiatric services that are medically necessary are Medicaid and NJ FamilyCare fee-for-service reimbursable when performed by a licensed podiatrist in an independent clinic which is specifically approved to perform such services by the New Jersey Medicaid and NJ FamilyCare fee-for-service program. See the New Jersey Medicaid and NJ FamilyCare fee-for-service programs' Podiatry Services chapter, N.J.A.C. 10:57, for additional information.

(b) A podiatrist should be Board Qualified, or preferably, Board-Certified by a Board recognized by the American Podiatric Medical Association.

New Rule, R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Designated existing text as (a) and substituted "FamilyCare" for "KidCare" throughout; added (b).

10:66-2.12 Radiological services

Specified radiological services may be reimbursed when provided in a clinic that is specifically approved to provide such services by the New Jersey Department of Environmental Protection, Bureau of Radiological Health (see N.J.A.C. 7:28-22), and performed by or under the direction of a physician who is recognized as a specialist in radiology by the New Jersey Medicaid and NJ FamilyCare fee-for-service programs. See the New Jersey Medicaid and NJ FamilyCare fee-for-service programs' Physician's Services chapter, N.J.A.C. 10:54, for additional information.

New Rule, R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Rewrote the section.

10:66-2.13 Rehabilitative services

(a) Rehabilitative services, as provided in an independent clinic setting, include physical therapy, occupational therapy, speech-language pathology and audiology, including the use of such supplies and equipment as are necessary in the provision of such services. Rehabilitative services are provided for the purpose of attaining maximum reduction of physical or mental disability. Rehabilitative services shall be made available to Medicaid and NJ FamilyCare fee-for-service beneficiaries as an integral part of a comprehensive medical program.

(b) Rehabilitative services shall be provided by or under the direction of a physical therapist, occupational therapist, speech-language pathologist or audiologist employed by or under contract to the clinic. These therapy services are discussed at (c), (d) and (e) below, respectively.

1. All treatments shall be individual and shall consist of a minimum of 30 minutes.

2. A plan of treatment shall be completed during the Medicaid or NJ FamilyCare fee-for-service beneficiary's initial evaluation visit and retained on file.

i. The plan of treatment shall be definitive as to the type, amount, frequency, and duration of the rehabilitative services that are to be furnished and shall include the beneficiary's diagnosis and the anticipated goal(s) of the treatment.

(c) Physical therapy is a service prescribed by a physician or an advanced practice nurse and provided to a Medicaid or NJ FamilyCare fee-for-service beneficiary by or under the direction of a qualified physical therapist. Physical therapy does not include therapy which is purely palliative, such as the application of heat in any form; massage; routine calisthenics; group exercises; assistance in any activity; use of a simple mechanical device; or other services not requiring the special skill of a licensed physical therapist.

1. A physical therapist is an individual who is:

i. Licensed by the New Jersey Department of Law and Public Safety, State Board of Physical Therapy as a physical therapist in accordance with N.J.A.C. 13:39A; and

ii. A graduate of a program of physical therapy accredited by an accrediting agency recognized by the Council on Post-Secondary Accreditation and the United States Department of Education.

2. If treatment or services are provided in a state other than New Jersey, the physical therapist shall meet the requirements of that state, including licensure if applicable, and all applicable Federal requirements.

(d) Occupational therapy is a service prescribed by a physician or an advanced practice nurse and provided to a Medicaid or NJ FamilyCare fee-for-service beneficiary by or under the direction of a qualified occupational therapist.

1. An occupational therapist is an individual who is:

i. Licensed by the New Jersey Occupational Therapy Advisory Council as an occupational therapist in accordance with N.J.A.C. 13:44K-2.1(a); and

ii. A graduate of a program in occupational therapy accredited by the American Occupational Therapy Association, the World Federation of Occupational Therapy or other nationally-recognized occupational therapist accrediting agency.

2. If treatment or services are provided in a state other than New Jersey, the occupational therapist shall meet the requirements of that state, including licensure if applicable, and all applicable Federal requirements.

(e) Speech-language pathology services and audiology services are diagnostic, screening, preventive, or corrective services prescribed by a physician or an advanced practice nurse and provided to a Medicaid or NJ FamilyCare fee-for-service beneficiary by or under the direction of a speech-language pathologist or audiologist.

1. A speech-language pathologist or audiologist is an individual who is licensed by the State of New Jersey as a speech-language pathologist or audiologist, in accordance with N.J.A.C. 13:44C, and meets all applicable Federal requirements including:

i. A Certificate of Clinical Competence in Speech-Language Pathology or Audiology from the American Speech-Language-Hearing Association;

ii. Completion of the equivalent educational requirements and work experience necessary for the certificate(s); or

iii. Completion of the academic program and in the process of acquiring supervised work experience in order to qualify for the certificate(s).

2. If treatment or services are provided in a state other than New Jersey, the speech-language pathologist or

audiologist shall meet the requirements of that state, including licensure if applicable, and all applicable Federal requirements.

(f) Clinic visits billed during the same day shall clearly and separately meet the time and other parameters described in the applicable HCPCS procedure codes, N.J.A.C. 10:66-6.

(g) When the same type of rehabilitative service, regardless of modality, is provided to a Medicaid or NJ Family-Care fee-for-service beneficiary more than once on the same day, for example, two physical therapy sessions, reimbursement shall be made for one service only. Reimbursement shall be made for a maximum of three units (one unit equals a 30-minute therapy session) per beneficiary per day.

(h) When requesting reimbursement for the following HCPCS procedure codes for rehabilitative services, a separate service line shall be completed for each day that the service is provided. Providers shall not "span bill" for services.

92507

97799

H5300

Recodified from N.J.A.C. 10:66-2.6 and amended by R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Inserted references to NJ KidCare fee-for-service and substituted references to beneficiaries for references to recipients throughout. Amended by R.2003 d.69, effective February 3, 2003.

See: 34 N.J.R. 3183(a), 35 N.J.R. 888(a).

Substituted "NJ FamilyCare" for "NJ KidCare" throughout; added (i).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Rewrote the section.

10:66-2.14 Renal dialysis service for end-stage renal disease (ESRD)

An independent clinic providing renal dialysis service for end-stage renal disease (ESRD) shall comply with all applicable Federal regulations and State rules in accordance with N.J.A.C. 8:43A.

New Rule. R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

Substituted "in accordance with" for "as indicated in" preceding N.J.A.C. reference.

10:66-2.15 Sterilization services

(a) Sterilization is any medical procedure, treatment, or operation performed for the purpose of rendering an individual permanently incapable of reproducing.

1. The individual to be sterilized shall be at least 21 years of age at the time the sterilization consent form is signed by the individual to be sterilized.

2. The individual to be sterilized shall not be mentally incompetent or institutionalized.

i. A mentally incompetent individual is an individual who has been declared mentally incompetent by a Federal, State, or local court of competent jurisdiction for any purpose, unless the individual has been declared competent for purposes which include the ability to consent to sterilization.

ii. An institutionalized individual is an individual who is:

(1) Involuntarily confined or detained, under a civil or criminal statute, in a correctional or rehabilitative facility, including a mental hospital or other facility for the care and treatment of mental illness; or

(2) Confined, under a voluntary commitment, in a mental hospital or other facility for the care and treatment of mental illness.

3. The individual to be sterilized shall have voluntarily given informed consent in accordance with all the requirements prescribed in 42 CFR 441.257 through 441.258.

4. At least 30 days, but not more than 180 days, shall have passed between the date of informed consent and the date of the sterilization, except in the case of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery, if at least 72 hours have passed since he or she gave informed consent for the sterilization.

i. In the case of premature delivery, the informed consent shall have been given at least 30 days before the expected date of delivery.

ii. If an individual desires to be sterilized at the time of delivery, the consent form should be signed by the individual no earlier than the fifth month of pregnancy to minimize the possibility of exceeding the 180 day limit.

5. Informed consent is considered to be given only if:

i. The person who obtained consent for the sterilization procedure offered to answer any questions the individual may have concerning the procedure, provided a copy of the consent form and provided orally all of the following information or advice to the individual to be sterilized:

(1) Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any Federally funded program benefits to which the individual might otherwise be entitled;

Ind	HCPCS		Description	Follow Up Days	Maximum Fee Allowance		
	Code	Mod			S	\$	NS
	Z2002		Prescription visit rendered in a drug treatment center		4.50		4.50
	Z2003		Psychotherapy rendered in a drug treatment center—full session.		16.00		16.00
	Z2004		Group therapy rendered in a drug treatment center, per person.		8.00		8.00
	Z2005		Psychological testing rendered in a drug treatment center, per hour; maximum of five hours.		15.00		15.00
	Z2006		Methadone treatment rendered in a drug treatment center.		2.50		2.50
	Z2007		Psychotherapy rendered in a drug treatment center—half session.		8.00		8.00
	Z2010		Urinalysis for drug addiction.		4.50		4.50

(n) Federally qualified health center services:

Ind	HCPCS		Description	Follow Up Days	Maximum Fee Allowance		
	Code	Mod			S	\$	NS
	W9840		Medical encounter		contract		contract
	W9843		EPSDT encounter		contract		contract
	Y3333		Dental encounter		contract		contract
	90844	22	Medical psychotherapy		contract		contract

(o) Personal care assistant services:

(Applicable to clinics under contract to the Division of Mental Health and Hospitals of the Department of Human Services.)

Ind	HCPCS		Description	Follow Up Days	Maximum Fee Allowance		
	Code	Mod			S	\$	NS
	Z1600	ZI	Personal Care Assistant Services Individual, per hour		13.02		13.02
	Z1605	ZI	Personal Care Assistant Services Group, per hour		10.23		10.23
	Z1610	ZI	Personal Care Assistant Services Initial Nursing Assessment, per visit		35.00		35.00
	Z1611	ZI	Personal Care Assistant Services Individual, per hour		6.51		6.51
	Z1612	ZI	Personal Care Assistant Services Group, per hour		5.12		5.12
	Z1613	ZI	Nursing Reassessment Visit, per visit		35.00		35.00

Amended by R.1998 d.577, effective December 7, 1998.

See: 30 N.J.R. 3434(a), 30 N.J.R. 4225(b).

In (a), substituted references to beneficiaries for references to recipients throughout; and in (f), inserted a reference to NJ KidCare fee-for-service.

Amended by R.2003 d.15, effective January 6, 2003.

See: 34 N.J.R. 2676(a), 35 N.J.R. 230(c).

In (c), added HCPCS code G0001 WF (Routine Venipuncture).

Amended by R.2004 d.208, effective June 7, 2004.

See: 36 N.J.R. 324(a), 36 N.J.R. 2834(a).

In (n), amended the table.

Amended by R.2006 d.26, effective February 6, 2006.

See: 37 N.J.R. 3538(a), 38 N.J.R. 966(a).

In (a), added HCPCS procedure codes 67221 and 67225.

10:66-6.4 HCPCS procedure codes—qualifiers

(a) Evaluation and management and other procedures:

1. Drawing of blood: 36415.

i. Once per visit, per patient. (Not applicable if laboratory study, in any part, is performed by the clinic.)

2. Injection (intradermal, subcutaneous, or intra-arterial): 90799.

i. Reimbursement for the above injections are on a flat-fee basis and are all inclusive for the cost of the

service as well as the materials. Be advised of the following:

(1) A visit for the sole purpose of an injection is reimbursable only as an injection and not as a clinic visit and injection. However, if the criteria of a clinic visit is met, an injection may, if medically indicated, be considered as an add-on to the visit. The drug

administered shall be consistent with the diagnosis and shall conform to accepted medical and pharmacological principles with respect to dosage, frequency and route of administration.

(2) Intravenous and intraarterial injections are reimbursable only when performed by the physician.