



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin
Governor

Bureau for Medical Services
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Karen L. Bowling
Cabinet Secretary

October 21, 2015

West Virginia Board of Examiners for
Speech-Language Pathology and Audiologist
99 Edmiston Way
Box 11, Suite 214
Buckhannon, West Virginia 26201

Gentlemen:

It has come to the attention to the Bureau for Medical Services (“Bureau”), the single State agency that administers the West Virginia Medicaid Program, that the West Virginia Board of Examiners for Speech-Language Pathology and Audiology (“Board”) has informed all school based speech-language pathologists, by way of a memorandum (“Memorandum”), that it is “fraudulent for anyone to bill for a therapy service for which they did not provide.” Presumably, in providing this legal opinion, the Board is referring only to Medicaid billing. Accordingly, the substance of the Memorandum is of concern to the Bureau in that, under relevant State and Federal statutory and regulatory provisions, the Bureau has sole legal authority to supervise State Plan Amendments (“SPAs”), issue policies, rules, and regulations on program matters. Please note that the Board is without legal authority to make a finding that a provider may or may not have committed Medicaid fraud.

Although the Bureau’s recent SPA regarding School Based Health Services does indicate that providers of Audiology, Speech, Hearing and Language Disorders Services should be licensed by the Board, the Bureau has received a copy of an opinion from the Legislative Services Division http://www.legis.state.wv.us/joint/PERD/Perdrep/Speechlang_8_2014.pdf, which makes clear that the relevant legislative intent was to “exclude public school speech-language pathologists, audiologists and assistants from the requirements of §30-32-1 *et seq.*” Therefore, the individuals at issue who are employed by the West Virginia Board of Education do not, in fact, require a license by the Board.

West Virginia Board of Examiners for
Speech-Language Pathology and Audiologist
October 21, 2015
Page 2

Accordingly, the Bureau for Medical Services is requesting that the Board immediately retract the Memorandum, as it is factually and legally incorrect.

Sincerely,

A handwritten signature in blue ink that reads "Cindy Beane". The signature is written in a cursive, flowing style.

Cindy Beane, LSW, MSW
Acting Commissioner

CB:CP/bak

cc: Amy Willard, Department of Education
Terry Riley, Department of Education
Heather Hutchens, Department of Education
William Hicks, Attorney, Department of Health and Human Resources
Patricia Nisbet, Program Director, Department of Health and Human Resources,
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