

# PRIVATE DUTY NURSING

## ELIGIBLE PROVIDERS

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In order to receive payment, all eligible servicing and billing provider's National Provider Identifiers (NPI) must be enrolled with South Dakota Medicaid as a Private Duty Nursing agency. Please refer to the [provider enrollment chart](#) for additional details on enrollment eligibility and supporting documentation requirement.

Private Duty Nursing agencies must be enrolled with South Dakota Medicaid. Nursing services must be provided by a properly licensed individual acting within their scope of practice in accordance with [SDCL Title 36](#).

## ELIGIBLE RECIPIENTS

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Providers are responsible for checking a recipient's Medicaid ID card and verifying eligibility before providing services. Eligibility can be verified using South Dakota Medicaid's [online portal](#).

The following recipients are eligible for medically necessary services covered in accordance with the limitations described in this chapter:

Coverage Type	Coverage Limitations
Medicaid/CHIP Full Coverage	Medically necessary services covered in accordance with the limitations described in this chapter.

Refer to the [Recipient Eligibility](#) manual for additional information regarding eligibility including information regarding limited coverage aid categories.

## COVERED SERVICES AND LIMITS

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### General Coverage Principles

Providers should refer to the [General Coverage Principles](#) manual for basic coverage requirements all services must meet. These coverage requirements include:

- The provider must be properly enrolled;
- Services must be medically necessary;
- The recipient must be eligible; and
- If applicable, the service must be prior authorized.

The manual also includes non-discrimination requirements providers must abide by.

### Private Duty Nursing Covered Services

Private duty nursing (PDN) skilled nursing services and extended home health aide are covered if

medically necessary, service eligibility requirements are met, and services are prior authorized by South Dakota Medicaid.

### Service Eligibility

In order for PDN services to be covered the following requirements must be met:

- The recipient is age 20 or younger;
- The services are medically necessary;
- The services are provided by an enrolled private duty nursing agency;
- The services are provided in the individual's residence, or other setting as prior authorized. An individual's residence does not include an intermediate care facility for individuals with intellectual disabilities or an institution for individuals with a mental disease, hospital, or nursing facility;
- The services are provided to an individual requiring more patient care than could be provided by a home health agency or professional day care when a condition or illness would result in institutionalization if not cared for at home;
- A parent, guardian, or primary care giver is committed to and capable of performing the medical skills necessary to ensure quality of care and a safe environment for the periods of time when PDN service is not provided;
- Prescribing physician must write an order for PDN services;
- The selected PDN agency must complete an evaluation and create a plan of care;
- The prescribing physician must sign the plan of care;
- Plan of care, medical records and completed PDN/Extended Home Health Aid prior authorization is submitted to South Dakota Medicaid for determination of covered hours and the service is prior authorized by South Dakota Medicaid.

### Limitations

South Dakota Medicaid will only authorize PDN hours for the following circumstances:

- Hours that guardian(s) work and travel to work;
- Hours that guardian(s) attend school and travel to school; or
- Additional hours for sleep may be authorized for up to 10 hours per 24-hour period when the child's condition and care plan requires intensive nursing interventions and monitoring. Examples of intensive nursing interventions and monitoring include trach and vent dependency with frequent suctioning or the need for ongoing oxygen monitoring, frequent seizure activity with interventions, or other prescribed medically necessary service(s) required with a frequency of every 2 hours or more.

PDN hours are not 24 hours/7 days a week. PDN services cannot be used for respite. HCBS waiver participants may request respite services from the Department of Human Services.

Parent/Guardian(s) are responsible for notifying the PDN agency of their work/school schedule. The PDN agency must document and provide this information in the plan of care and prior authorization request in addition to the parent/guardian attestation form. Parent/Guardian(s) and the PDN facility are responsible for using these hours in accordance with South Dakota Medicaid policy.

PDN services are limited to one nurse or nursing intervention in an individual's residence or other approved setting at time per recipient. Medicaid will only cover more than one nurse or nursing intervention in the individual's residence or other approved setting for multiple recipients in the same residence or approved setting if all recipients require intensive nursing interventions and monitoring including trach and vent dependency with frequent suctioning or the need for ongoing oxygen monitoring, frequent seizure activity with interventions, or other prescribed medically necessary nursing interventions required with a frequency of every 2 hours or more.

### Prior Authorization Requests

PDN agencies must submit the following information with their prior authorization request:

- [Private Duty Nursing/Extended Home Health Aid Prior Authorization Request Form](#);
- [Parent/Guardian Attestation Form](#);
- Medical record documentation; and
- Plan of care signed by the practitioner.

Prior authorizations requests should be submitted to [DSSMedicaidPA@state.sd.us](mailto:DSSMedicaidPA@state.sd.us).

## **NON-COVERED SERVICES**

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### **General Non-Covered Services**

Providers should refer to [ARSD 67:16:01:08](#) or the [General Coverage Principles](#) manual for a general list of services that are not covered by South Dakota Medicaid.

### **Non-Covered PDN Services**

Private duty nursing is not covered for:

- Custodial or sitter care to ensure compliance with treatment;
- Respite care outside of what is allowed for the guardian(s) as described in the Covered Services and Limits section of this manual;
- Behavioral or eating disorders;
- Observation or monitoring for medical conditions not requiring skilled nursing;
- Hours when one or more parent or guardian is at home unless during authorized sleep hours; and
- Hours while child is at school or in other supervised settings.

## **DOCUMENTATION REQUIREMENTS**

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### **General Requirements**

Providers must keep legible medical and financial records that fully justify and disclose the extent of services provided and billed to South Dakota Medicaid. These records must be retained for at least 6 years after the last date a claim was paid or denied. Please refer to the [Documentation and Record Keeping](#) manual for additional requirements.

### **Electronic Visit Verification (EVV) Requirements**

In addition to the requirements listed in the Documentation and Record Keeping manual, all Private Duty Nursing services contained in this manual are subject to EVV requirements.

Providers of these services must comply with federal 21<sup>st</sup> Century Cures Act EVV requirements and collect EVV data at the time services are rendered. South Dakota Medicaid has purchased an EVV system for providers to utilize at no cost to the provider. If the provider determines utilization of South Dakota Medicaid's purchased EVV system is not feasible, the provider may choose another third party. South Dakota Medicaid's system includes an Aggregator. This Aggregator is a centralized database that collects, validates, and stores the EVV visit data. If another third-party application is chosen, the third-party must be able to connect to the Aggregator.

EVV requirements include:

1. Type of service performed;
2. Individual receiving the service;
3. The date of the service;
4. The location of service delivery;
5. The individual providing the service; and
6. The time the service begins and ends.

To identify the individual providing the service, the staff ID should be generated using the first three letters of the staff's legal first name, and last four digits of their social security number. In cases where the legal first name is less than three characters, use "Z" in place of the other two characters.

Example 1: John Smith SSN 123456789 - EVV staff ID would be: JOH6789

Example 2: Ed Smith, SSN 898989898 - EVV staff ID would be: EDZ9898

To ensure providers have EVV capability in all areas, the South Dakota Medicaid system and third-party vendors must, at a minimum, utilize one or more of the following data collection systems:

1. Mobile application which utilizes global positioning systems (GPS) will be the primary method of collecting visit information.
2. Capable of operating in offline mode to capture visit data when cellular or Wi-Fi connectivity is unavailable.
3. Fixed visit verification (FVV) which utilizes a device, affixed and registered to a specific location, capable of generating a random code, that will establish the date and time the user was present at the FVV device.
4. Only when mobile app is unavailable will the use of the participant's landline registered to their address or service location be permitted to record the visit via interactive voice response (IVR).
5. Web Check-in (WEB) which utilizes a web browser to check in or out and does not include Geolocation, but rather uses browser-based location which is determined using different methods, such as IP addresses, Wi-Fi access points, cell tower triangulation, and GPS receivers. As a result, geolocation on a desktop browser is less accurate than geolocation on a GPS enabled device.

6. As a last resort, manual entry of visit information into the EVV system is allowed if:
  - a. Authorized users are able to enter a South Dakota approved exception reason for each modification or manual entry of verification data.
  - b. In the instance where a visit is manually entered, the provider will be required to attest to the presence of hard copy documentation (i.e. timesheet).

Additional expectations for providers and third-party vendors include the following:

1. The Provider must comply with EVV requirements for no less than 75% of all services that require EVV. Manually entered EVV, or EVV that has an exception, is not considered compliant EVV due to the manual edits.
2. Utilize unique sign-in credentials for each user who accesses the system and retain information about changes to the electronically captured visit information.
3. Be capable of retrieving current and archived data to produce reports of services delivered, tasks performed, participant identity, beginning and ending times of services, and dates of services in summary fashion that constitute adequate documentation of services delivered.
4. Maintain reliable backup and recovery processes to ensure that all data is preserved in the event of a system malfunction or disaster. Data must be backed up, at a minimum, weekly, and retained in accordance with South Dakota Medicaid record retention policies.
5. Accommodate more than one participant and/or provider in the same home at the same phone number.
6. Verify components within the program requirements when the provider initiates visit verification and flag a visit for review when any required verification elements are missing.
7. Training for the third-party EVV system functionality must be provided by the third-party EVV vendor. Training on the Aggregator will be provided by South Dakota Medicaid's vendor, Therap.
8. Third-party vendors must share client integration documents (user manuals, integration guides, etc.) with Therap.
9. Must meet published Therap requirements in regards to integration messaging format, transport protocol, and security.
10. Must be responsible for ensuring the quality of the data submitted to Therap.
11. Must provision functionality for the monitoring and correction of any errors returned by Therap, and a mechanism to resend corrected transactions.
12. Each third-party vendor will be required to electronically transmit EVV data to Therap per Therap specifications. A partial list of key requirements are as follows:
  - a. Data format & layout to comply with Therap Third-Party Integration Data Dictionary.
  - b. Transmit data from all of your represented providers to a Therap-hosted REST API endpoint.
  - c. Manage error responses from Therap through the interface, including, error resolution, and resubmission of failed transactions.
  - d. Transmit at least visit created/scheduled and visit ended (completed, canceled, etc.) status.
  - e. Transmit changes in visit status in near real time, 24/7, within a minimum of fifteen (15) days from date of service.

13. The third-party is able to electronically collect provider and participant authentication and confirmation of service delivery as part of EVV. Such confirmation will be delivered as part of the visit record to Therap.
14. The third-party must use approved encryption algorithms.
15. The provider and third-party must execute the Therap Trading Partner Agreements, which includes a Non-Disclosure Agreement (NDA) and a Business Associate Agreement (BAA).
16. The third-party must be willing and able to provide live demonstration of data collection and subsequent submission to the Aggregator at the request of the Department.

For questions related to EVV, email [programintegrity@state.sd.us](mailto:programintegrity@state.sd.us).

## REIMBURSEMENT AND CLAIM INSTRUCTIONS

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### Timely Filing

South Dakota Medicaid must receive a provider's completed claim form within 6 months following the month the service was provided. Requests for reconsiderations will only be considered if they are received within the timely filing period or within 3 months of the date a claim was denied. The time limit may be waived or extended by South Dakota Medicaid in certain circumstances. Providers should refer to the [General Claim Guidance](#) manual for additional information.

### Third-Party Liability

Medicaid recipients may have one or more additional source of coverage for health services. South Dakota Medicaid is generally the payer of last resort, meaning Medicaid only pays for a service if there are no other liable third-party payers. Providers must pursue the availability of third-party payment sources and should use the Medicare Crossover or Third-Party Liability billing instructions when applicable. Providers should refer to the [General Claim Guidance](#) manual for additional information.

### Reimbursement

A claim submitted for services provided under the PDN agency must be submitted at the provider's usual and customary charge and must contain the procedure codes listed on the Department's website. Payment for professional services is limited to the PDN agency's usual and customary charge or the fee established in the [fee schedule](#) maintained on the Department's website. Supervisory and recertification visits are considered to be an overhead cost and may not be billed as a PDN agency.

### Claim Instructions

PDN services must be billed on a CMS 1500 claim form or 837P. Refer to our [website](#) for claim instructions. Except for an electronic claim, if the individual is covered by Medicare or private health insurance, a copy of the denial or evidence of payment from Medicare or the insurance carrier must accompany the claim. For an electronic claim, the provider shall maintain and submit to the department on request evidence of claim payments or rejection.

## DEFINITIONS

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1. "Plan of care," the plan developed by the home health agency in response to the attending physician or other licensed practitioner's written orders to the agency prescribing the needed services and the duration of those services;
2. "Skilled nursing services," those nursing services defined in [SDCL 36-9-3](#) which are provided on a part-time or intermittent basis;

## REFERENCES

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- [Administrative Rule of South Dakota \(ARSD\)](#)
- [South Dakota Medicaid State Plan](#)
- [Code of Federal Regulations](#)

## QUICK ANSWERS

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### 1. What hours can be covered?

Refer to the covered services section of the coverage manual.

### 2. Can a child receive PDN services while in school?

No, the child cannot receive PDN services while in school. [School districts](#) may provide nursing services, based upon medical necessity, during the school day.

### 3. Can LPNs provide Private Duty Nursing Services?

Yes, LPNs, acting within their scope of practice under SDCL [36-9-4](#), may provide private duty nursing services.

### 4. Does the RN/LPN/HH Aide need to be employed by PDN agency?

Yes, the RN/LPN/HH Aide must be employed by a Medicaid enrolled PDN agency.

### 5. How does a recipient get services?

A practitioner must write an order or prescribe the care. The child's guardian(s) should contact a PDN agency to obtain an evaluation and plan of care. Once a plan of care is written, the practitioner must sign the plan of care. That plan of care and medical documentation is then sent by the PDN agency to South Dakota Medicaid to request a prior authorization determination. A PDN agency can provide services according to the schedule established.