



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 FAX: (217) 785-4111

DOCKET NO: F-01	BOARD MEETING: June 20, 2017	PROJECT NO: SR-001-17
BUSINESS ITEM: Illinois Health Care Worker Self-Referral Act Advisory Opinion Request		
REQUESTING HEALTHCARE WORKER: Margaret (Peggy) K. Modglin MS CCC-SLP/L		

**HEALTH CARE WORKER SELF-REFERRAL
ADVISORY OPINION REQUEST**

I. Background Information

Margaret (Peggy) K. Modglin MS CCC-SLP/L (“Ms. Modglin”) requested that the State Board provide an Advisory Opinion under the Illinois Health Care Worker Self-Referral Act (“the Act”) [225 ILCS 47]. The advisory opinion is to determine whether Ms. Modglin may act as a referring licensed speech language pathologist, practitioner of the healing arts, for the school district in which she is employed. Ms. Modglin is employed by McLean County Unit District No. 5, a public school district in Normal, Illinois. The State Board received the request on April 14, 2017.

The Illinois Health Care Self Referral Act requires that the State Board deem the request complete or incomplete within the forty-five (45) days after the Board receives the request. Forty five (45) days from receipt of the advisory opinion was May 29, 2017. The next schedule State Board Meeting is June 20, 2017. The completeness determination requires **seven (7)** affirmative votes of the State Board.

This report outlines the process for determining completeness and a summary of the information that was submitted.

The State Board has ninety (90) days after determining a request complete to issue a report. Should the State Board deem the Advisory Opinion complete on June 20, 2017, the report would be due by September 18, 2017. Failure to render an opinion within ninety (90) days from the date of declaring a request complete shall create a rebuttable presumption that a referral described in the request **is not or will not** be a violation of the Self-Referral Act. (Section 20(g) of the Act)

State Board Staff reviewed the information submitted by Ms. Modglin and believe the advisory opinion request is complete. Even after the State Board deems the request complete, State Board Staff can request supplemental information should they determine that additional information is needed to issue the advisory opinion. If Ms. Modglin does not provide the requested information, the State Board can defer issuing the advisory opinion until the supplemental information is received.

II. 77 IAC Section 1235.300 - State Board Advisory Opinion

Health care workers may request an advisory opinion from the State Board regarding whether a referral to an existing or proposed entity does or does not violate the provisions of the Self-Referral Act. Such a request must involve an entity with which the health care worker currently has or anticipates having a financial involvement.

III. 77 IAC Section 1235.310 d) - Request for Opinion – Completeness Review

The State Board shall determine whether the advisory opinion request is complete within 45 days from the date of receipt of the request for advisory opinion. Forty five (45) days from receipt of the advisory opinion was May 29, 2017. The first State Board Meeting to determine completeness will be June 20, 2017.

A completeness determination requires **seven** affirmative votes and shall be based on a finding by the State Board that the health care worker has provided the required information. A request which fails to receive seven affirmative votes shall be deemed incomplete. Any incomplete request for advisory opinion which is not complete within sixty (60) days of a State Board determination shall be considered withdrawn.

IV. Completeness Review

In accordance with the requirements of the Act and the State Board’s administrative rules associated with this statute (77 IAC 1235), the “**State Board shall determine whether the request is complete.**” The State Board Staff **cannot deem** the request complete.

77 IAC 1235.310(b) of the State Board’s rules requires that a Request for Advisory Opinion contain the following information in order to be complete:

1. The name and identifying information of the health care worker requesting the opinion;
2. Identification of the entity and description of the health care services being provided or proposed by or through the entity;
3. The type and amount of existing or proposed investment interest in the entity;
4. A description of the nature of the investment interest and copies of any existing or proposed documents between the health care worker and the entity including but not limited to leases, contracts, organization documents, etc.
5. Certification and notarized signature of the health care worker requesting the opinion that the information contained in the request for opinion and supporting documentation is true and correct to the best of his or her information and belief.

V. Information Submitted

State Board Staff relied solely on the information provided in the request and the additional information provided by Ms. Modglin. That information is included at the end of this report.

VI. 77 IAC 1235.320 - State Board Review

- a) The State Board shall issue its advisory opinion within 90 days from the date the request for advisory opinion was deemed complete. If the State Board should deem the Advisory Opinion Request complete, an advisory opinion will be due by September 18, 2017.
- b) During the course of review the State Board may request supplemental information from the health care worker. The State Board may, within the 90-day review period, defer action on the application until such time as the supplemental information has been received.
- c) The State Board advisory opinion shall be presumptively correct. Failure to render an opinion within 90 days from the date of declaring a request complete *shall create a rebuttable presumption that a referral described in the request is not or will not be a violation of the Self-Referral Act.* (Section 20(g) of the Act)
- d) An advisory opinion shall not constitute a final administrative decision within the meaning of the Administrative Review Law [735 ILCS 5].

VII. Attachment

Attached to this report are the following:

- Initial Request for Advisory Opinion submitted April 14, 2017
- Additional information submitted May 18, 2017

Peggy Modglin
1609 Gig Street
Normal, IL 61761

RECEIVED

APR 14 2017

4/10/17

Health Facilities and Services Review Board
525 W. Jefferson St Second Floor
Springfield, IL 62761

**HEALTH FACILITIES &
SERVICES REVIEW BOARD**

Dear members of the Health Facilities and Services Review Board,

I am a speech language pathologist, licensed by the IDFP and holding the American Speech Language Hearing Association Certificate of Clinical Competence. I am writing to request your interpretation and ruling regarding the Health Care Worker and Self-Referral Act. It is my desire and intent to be compliant with this Act and would like clarification. According to the Provider Notice from 10/18/16 titled Clarification Regarding Record Requirements for Therapy Services in Individualized Education Programs (IEPs) prn161018b for School Based Health Services. The notice states the following,

“LEAs seeking reimbursement for services for individuals with speech and language disorders must obtain a written referral from a physician or other licensed practitioner of the healing arts acting within the scope of his or her practice under state law. The written referral specifies a need by making a recommendation for speech and language services, but the rendering practitioner, not the referring practitioner determines the diagnosis, frequency and duration of services to be provided.

Referrals for speech and language services can be made by a physician or other licensed practitioner of the healing arts acting within the scope of practice. Examples of other licensed practitioners that can refer speech services in the school setting include, but are not limited to, physician assistants, advanced practice nurses, clinical psychologists, speech-language pathologists or individuals with a Professional Educator License (PEL) endorsed in School Psychology or Speech Language Pathology. The referral of services provided in the school setting are subject to provisions of the Health Care Worker and Self-Referral Act (225 ILCS 47/1).”

I would like to offer my services for providing written referrals for speech services in my local, public, not for profit school district, as a licensed practicing speech language pathologist. I work for the school district but I am not invested in the school district. I, as the referring speech language pathologist, do not feel that I have an investment interest at all, including those defined in section 20. The referrals would not result in over utilization as they would come from concerns identified by teachers and families and by other speech language pathologists. The referral would be needed to pursue allowable Medicaid reimbursement, but the services provided to the individuals would be provided at no charge to the individual or family.

In order to be sure that I am practicing ethically and morally and within the rules of this act, I am requesting an advisory opinion and determination that I may act as a referring licensed speech language pathologist, practitioner of the healing arts, for the school district in which I am employed but in which I have no investment interest.

Respectfully submitted,

Margaret (Peggy) K Modglin

Margaret (Peggy) K. Modglin MS CCC-SLP/L
modglinp@myunit5.org

McLean County Unit District No. 5
1809 West Hovey Avenue
Normal, Illinois 61761-4339



May 12, 2017

Mike Constantino, Project Reviewer
Illinois Health Facilities and Services Review Board
525 West Jefferson Street
Springfield, IL 62761

RECEIVED

MAY 18 2017

**HEALTH FACILITIES &
SERVICES REVIEW BOARD**

Re: Ms. Margaret (Peggy) Modglin's request for an Advisory opinion - Health Care Self Referral Act 77 IAC 123510

Dear Mr. Constantino and Health Facilities and Services Review Board,

Ms. Margaret (Peggy) Modglin is a certified staff member of McLean County Unit District No. 5, public school district in Normal, Illinois. She is employed as a full-time certified, licensed Speech Language Pathologist. Ms. Modglin has been employed since October, 2003 to present.

Although Ms. Modglin is employed within our school district, she has no financial stake in McLean County Unit District No. 5. Additionally, Ms. Modglin has no immediate family members or associates with a financial stake in McLean County Unit District No. 5.

Our school district is interested in having Ms. Modglin provide written referrals recommending speech and language services for students within our school district in accordance with the October 18, 2016, Provider Notice re: "Clarification Regarding Record Requirements for Therapy Services in Individualized Education Programs (IEPs)" if your board deems it compliant with the Healthcare Worker Self Referral Act. Please call 309-557-4000 or email lambolmm@myunit5.org, Director of Special Education, if you should need any additional information.

Sincerely,

Michelle Lambole
Director of Special Education

State of Illinois

Department of Financial and Professional Regulation
Division of Professional Regulation

LICENSE NO.
146.004118

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois Statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below.

EXPIRES:
10/31/2017

**LICENSED
SPEECH-LANGUAGE PATHOLOGIST**

**MARGARET KATHLEE MODGLIN
1609 GIG ST
NORMAL, IL 61761**



Bryan A. Schneider

BRYAN A. SCHNEIDER
SECRETARY

Jay Stewart

JAY STEWART
DIRECTOR

The official status of this license can be verified at www.idfpr.com

10215560



AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION
2200 Research Boulevard
Rockville, MD 20850-3289

Building the future of the professions

Margaret K. Modglin

Affiliation Status: **Member**

Certification Status: **CCC-SLP**

SIGs:

01102680

Account Number

12/31/2017

Valid Through

William A. Pickett
Chief Executive Officer



Illinois State Board of Education

James T. Meeks, Chairman
Tory Smith, Ph.D., State Superintendent of Education

Educator Licensure I

Welcome, Margaret Moe

- Home
- My Credentials
- Educator
- Help

Credentials

Primary Information

Full Name: **Margaret K. Modglin**
 IEIN: **600830**
 DOB: **11/26/1966**
 Gender: **Female**
 Former Name: **Foster**

Contact Information

Address: **1609 Gig St**
 City, State Zip: **Normal, IL 61761**
 Email: **modglinp@comcast.net**
 Primary Phone: **(309) 336-6272**
 Secondary Phone: **(309) 242-1979**

Profile

PD Status: **Active**

[Click Here to Edit Your Contact Information](#)

[Click Here to Update Your PD/E](#)

Show All

Licenses

Select	License ID	License	Status Code	Status Desc	Entitlement	Application Date	Orig Issued	Issued	Expires	ROE	Registered Thru	Register	Re: Fee Du
Select	1910693	Professional Educator License	I	Issued		04/20/2016	08/22/1989	07/01/2013	06/30/2021	17	2021	Register in an Additional Region	\$0.

Illinois Approved Program / Endorsements For Selected License

Description	Grade	Status Description	Issued	Entitlement
Elementary Education	Kindergarten through Grade 9	Issued	07/05/2001	
Elementary Education (Self Contained General Education)	Kindergarten through Grade 9	Issued	07/05/2001	
Speech & Language Impaired	PreKindergarten through Grade 9	Issued	07/05/2001	
Speech Language Pathologist (Teaching)	PreKindergarten through Grade 9	Issued	07/05/2001	
Speech & Language Impaired	Grade 6 through Age 21	Issued	07/05/2001	
Speech Language Pathologist (Teaching)	Grade 6 through Age 21	Issued	07/05/2001	
Secondary Education	Grade 6 through Grade 12	Issued	07/01/2013	

Approvals

Approval Code	Approval	RCDT	Endorsement	Grade	Application Received	Status	Approval Granted Date

Designations

Source	Status	Endorsement	Grade	Candidate Number	Issue Year

Registration

Fiscal Year	School Year	Region Code	Region	License Code	License	Ct
2021	2020-2021	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2020	2019-2020	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2019	2018-2019	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2018	2017-2018	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2017	2016-2017	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2016	2015-2016	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2015	2014-2015	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2014	2013-2014	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2013	2012-2013	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2012	2011-2012	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2011	2010-2011	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2010	2009-2010	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2009	2008-2009	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2008	2007-2008	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2007	2006-2007	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2006	2005-2006	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2005	2004-2005	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2004	2003-2004	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2003	2002-2003	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2002	2001-2002	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	
2001	2000-2001	17	DeWitt/Livingston/Logan/McLean	PEL	Professional Educator License	

Previous Qualifications

Endorsement Code	Endorsement	Grade	Status Code	Status	Region Code	Region