

CHAPTER 11  
SECTION 9.2

## BENEFIT AUTHORIZATION REQUIREMENTS (PFPWD): PUBLIC FACILITY USE CERTIFICATION

Issue Date: August 4, 1988

Authority: [32 CFR 199.4](#) and [32 CFR 199.5\(a\)\(5\)](#)

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### I. DEFINITION

Public facility use certification is a written confirmation by an authorized agent of a public facility (as defined in [32 CFR 199.2](#)) or a duly delegated Commander of a Military Treatment Facility (MTF) that a specific beneficiary is not eligible for a needed publicly funded service (or item); or, although eligible, the type of service (or item) needed is not provided through the publicly funded program; or, if eligible for an available service (or item) and the beneficiary is requesting benefits to augment public facility benefits, the certification documents the scope, frequency, and schedule for the provision of the public facility's service (or item) to the beneficiary.

### II. POLICY

A. A required public facility use certification must contain the following information written on letterhead of an appropriate public facility or Military Treatment Facility (MTF):

1. Sponsor's full name and Social Security number
2. Beneficiary's full name
3. For a beneficiary aged 3 to 21 certification by the local public educational agency (school or school district) that:
  - a. The beneficiary is not enrolled in a special education program. A "not enrolled in special education" certification is valid for the duration of the school year in which issued for a beneficiary still in school, or is permanently valid when the certification states that the beneficiary has graduated or is otherwise no longer eligible for educational services or
  - b. The beneficiary is enrolled in a special education program and that the specific diagnostic procedures requested are not included in the beneficiary's special education Individual Educational Plan (IEP). Such a certification is valid for the duration of the school year in which issued or
  - c. The beneficiary is enrolled in a special education program and the specific diagnostic procedures requested are included in the beneficiary's special education Individual Educational Plan (IEP) but not in a specific quantity or quality satisfactory to the

beneficiary's family. Such a certification is valid for the duration of the school year in which issued.

4. Description of each service/item required.
5. Statement of service/item availability/nonavailability.
6. Available frequency or nonavailable reason.
7. Inclusive dates of availability/nonavailability.
8. Printed name and title of the certifying official.
9. Signature of the certifying official.
10. Date of signature.

B. Any requirement for public facility use certification as a prerequisite to benefit authorization or claim adjudication is incorporated into [32 CFR 199.5\(a\)\(5\)](#) guidance for that benefit.

C. The definitions for "Public Facility Availability" and "Public Facility Adequacy" in [32 CFR 199.2](#), apply to both Basic benefits and PFPWD benefits.

D. Signatory requirements for a valid certification.

1. For Basic benefit Residential Treatment Center (RTC) related education services, the education Public Facility is the public school district in which the beneficiary was last enrolled.

2. For all other benefits, the signature of an authorized official at any administrative level (state, regional, local) of the Education, Health, or Human Services Departments (or governmental entities with equivalent functions in a given state) or the duly delegated commander of a Military Treatment Facility (MTF).

E. A given certification may be used in the adjudication of claims with respect to the services or items indicated for no more than twelve consecutive months from the date of signature. A new certification may be requested by the contractor for good cause at any time.

### III. CONSIDERATIONS

A. The types of public facilities for which the beneficiary must provide use certification are specified in each benefit policy issuance which requires such certification.

B. The beneficiary must be given a minimum of 30 calendar days to provide a requested Public Facility Use Certification.

C. The requirement for Public Facility Use certification is the Regulatory exclusion of benefits paid for, or eligible for payment, through a publicly funded program, except Medicaid ([32 CFR 199.4\(g\)\(13\)](#)).

D. The requirement that public facilities must be used first, to the extent that they are available and adequate, as a prerequisite to the approval of services under the Program for Persons with Disabilities (PFPWD) is a statutory requirement. With the exception of services under Title XIX of the Social Security Act (Medicaid), services that are available through a publicly funded program (32 CFR 199.5(a)(4)(v)) are excluded.

#### IV. EXCEPTIONS

A. Public facility not adequate. When needed services or items are available to the beneficiary through one or more public facilities, only those services or items which are not adequate for a medically necessary frequency, or to be provided within a medically necessary period may be cost-shared. This determination is made based upon the referring physician's conclusion, and contractor medical review concurrence, that the anticipated delay, or the planned frequency of a specific service associated with the publicly funded service delivery plan, is expected to adversely affect the clinical outcome for the specific beneficiary.

B. Nonresponsive public facility. When a public facility refuses to provide certification, the contractor may determine, on a case-by-case basis, that a service or item which may otherwise be cost-shared is not available from a specific public facility when the beneficiary (or sponsor or guardian acting on behalf of the beneficiary) provides a written statement which details the circumstances wherein a specific public official representing a specific public facility refused to provide a public facility use certification.

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