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LETTER FROM THE DIVISION OF MEDICAID TO PARENTS OF CHILDREN WITH DISABILITIES

Dear Participants, Parents, and Families:

The Division of Medicaid has received questions from parents regarding services delivered in schools or during school hours. Because of some misunderstanding of Medicaid policy, the division has issued *Information Release 2008.12* to private Medicaid provider agencies. As part of the information release, Medicaid has requested that providers distribute this letter to families to clarify Medicaid policies.

It is a longstanding policy of the Idaho Medicaid Program that private providers are not allowed to bill Medicaid directly for school-based services, and educational services are not allowed. To understand the reason for this policy you need to know that:

Congress authorized state Medicaid programs to allow public schools to bill for school-based services if they are provided to a Medicaid eligible child and are included in the child's Individualized Education Plan (IEP).

Public schools are obligated to provide Medicaid health related services to children with disabilities, as outlined in the Individuals with Disabilities Education Act (IDEA), to assure they receive a "free and appropriate public education."

- Federal Medicaid law (42 USC 1396(a)) only allows Medicaid to pay for a service after all other resources have been exhausted (payor of last resort).

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This means that if a child needs a Medicaid reimbursable rehabilitative service during school hours, the public school is responsible for providing the service according to the child's IEP.

Private schools are not subject to the same federal government laws and rules as public schools, and are not eligible to provide school-based services as defined by Idaho Medicaid. However, in Idaho, public schools have a responsibility to work with families to ensure that a child with special needs gets specialized services through an education plan, even in a private school or home school setting. Parents should work with their local public school district to make sure their children get the appropriate health related services written into an individualized education plan. Parents can contact the state of Idaho Department of Education with questions or concerns.

Outside of the school-based service, children who are eligible for Medicaid and have rehabilitative medical needs are still able to receive medically necessary services from private provider agencies. These are

separate benefits from the school-based services that the child receives from the school district during school hours.

If you need more information, we encourage you to work directly with your local school district and private provider agency. If you have additional questions, you can contact the Developmental Disabilities Policy Coordinator in the Division of Medicaid at: (208) 947-3364.

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