

NAME TAG

*National Alliance for Medicaid in Education, Inc
Take a Glance
Volume III Number 1*



Providing a network among stakeholders to share information on issues pertinent to Medicaid programs in public education.

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President's Corner

December 2006

Dear Colleagues:

It is my privilege to serve you as your 2006-2007 NAME President. We have a lot of important work ahead such as: dealing with challenges of Medicaid in education, implementing the parental consent requirement of the reauthorized IDEA, implementing the National Provider Identification requirements of HIPAA with schools, and our collaboration efforts with organizations to promote health care access for all children.

With your help, I will continue to work for you in support of your efforts to protect the services our students are entitled to.

In the coming weeks, NAME will be addressing these and other issues facing our states. I look forward to addressing these challenges and finding solutions as we enter the new year.

Sincerely,

Brenda Mack-Bowman
2006-2007 NAME President

Issues Corner

IDEA and Parental Consent

The National Alliance for Medicaid in Education Governmental Affairs committee sent a letter on October 13th to Alexa Posny, Director, Office of Special Education (OSEP) requesting written clarification regarding the informed parental consent issue found in section 34CFR §300.154(d)(2)(iv) the IDEA 2004, Part B final regulations. The regulation in question requires local education agencies to obtain parental consent "each time that access to public benefits or insurance is sought". In a brief personal conversation with John Hagar, Assistant Director, Office of Special Education and Rehabilitative Services (OSERS) at the PACER Center in Minneapolis, MN on October 25th regarding the

2007 Conference

2006/2007 Meeting Dates

November 9, 2006
Board Business

December 14, 2006
National Issues

January 11, 2007
Board Business

February 8, 2007
National Issues

March 15, 2007 (Minneapolis, MN)
Board Business

April 12, 2007
National Issues

May 10, 2007
Board Business

June 14, 2007
National Issues

July 12, 2007
Board Business

August 9, 2007
National Issues

September 13, 2007
Board Business

September 28, 2007
Annual Meeting
(Minneapolis, MN)

Watch the NAME web site for the most current updates.
<http://www.medicaidforeducation.org/>

issue, Mr. Hagar affirmed that the phrase "each time" is referring to each time an Individual Educational Program (IEP) is written or revised, not each time the specific service is delivered. He indicated that a school would need to get informed parental consent for each IEP that contain services that the school is intending to seek Medicaid reimbursement. There has been no written clarification from OSEP at this time.

IDEA and EPSDT: A New Solution to a New Problem

As many of you are painfully aware, CMS is requiring States to put LEA services under the EPSDT section of their State Plan. There are some states that, in doing so, would be violating State Law. For instance, in California, IDEA students are covered up to age 22. In Michigan, IDEA students are covered up to age 25. Putting LEA services under EPSDT would only allow coverage to age 21. California with an innovative solution. They put LEA services under both the "Other" and "EPSDT" section of our State Plan. (LEA services were previously only listed under the "Other" option.) Therefore California is now compliant with both CMS directions and State law, and can provide LEA services up to age 22. The vulnerability in our approach is that any Medicaid enrollee, regardless of age, could demand LEA services in the school setting. Since the practical risk of that is minimal, California decided to take that chance

For more information about California's State Plan Experience, please see the NAME presentation at:

http://www.medicaidforeducation.org/pdf/7California_sRecentSPAExperience.pdf

"Protecting Children's Health in Schools Act of 2006."

Stemming from the changes as a result of the recent mid-term Congressional elections, interest has now turned to the implications those changes brought about and to what effect they have on pending legislation. Sponsorship and co-sponsorship of bills is key to their ability to make it through the Congressional processes, and elections always impact pending legislation and their continued sponsorship into the next congress.

NAME has a unique interest in two bills currently before Congress commonly identified as "Protecting Children's Health in Schools Act of 2006." The Senate bill is S3705 and the similar House bill is HR5834. (These bills will be reintroduced next sessions; these bills will be assigned new numbers.)

On the Senate side, a high level assessment of sponsorship indicates S3705 will lose Sen. James Jeffords, an independent from Vermont. There may be a gain of two sponsors as Congressman Sherrod Brown, (D) Ohio, and Ben Cardin, (D) Maryland, who are co-sponsors of HR5834, move to the Senate. It remains to be seen if Brown and Cardin decide to be co-sponsor of the Senate version.

With the loss of Brown and Cardin (as mentioned above), there is also the loss of Congressman Jim Leach, (R) Iowa who was unsuccessful in

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Vacant

his recent reelection bid.

The biggest question in all this is what will the new faces do and how informed are they of the issues these bills are addressing. There is always a strong learning curve for new members of Congress, and it is important to keep the information exchange open, consistent, and steady.

CMS Releases Guidance on Employee Education About False Claims Recovery

The Centers for Medicare & Medicaid Services (CMS) released guidance to State Medicaid agencies on the implementation of Section 6032 of the Deficit Reduction Act of 2005 (P.L. 109-171). Section 6032 of the Deficit Reduction Act establishes section 1902(a)(68) of the Social Security Act, which requires any entity (those that receive or make annual Medicaid payments under the state plan of at least \$5 million) to provide Federal False Claims Act education to their employees. This provision must be implemented no later than January 1, 2007, except as provided for in Section 6034(e) of the Deficit Reduction Act. To the extent a State determines that it requires legislation to implement this provision and wishes to avail itself of the section 6043(e) delayed effective date, it must request through CMS that the Secretary concur with the determination that legislation is required.

The State Medicaid Director letter and State Plan Preprint are available at the NAME website.

CMS Issues Guidance on the DRA of 2005 Changes to Third Party Liability

CMS issued State Medicaid Director Letter (SMDL) #06-026 which explains intent of the Deficit Reduction Act of 2005 was to "...strengthen State's ability to identify and collect from liable third party payers." They also issued 13 excellent question and answers concerning this part of the Act.

NAME has been asked numerous times for clarification of the following phrase in the Act:

"...that the State shall provide assurances satisfactory to the Secretary that the State has in effect laws requiring health insurers, including self-insured plans, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, managed care organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, as a condition of doing business in the State..."

In the answer to question 1 CMS clarifies what is meant by "or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service..." They interpret

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this to include " ... such entities as third party administrators (TPAs), fiscal intermediaries, and managed care contractors, which administer benefits on behalf of the risk-bearing plan sponsor (e.g., an employer with a self-insured health plan)."

To view the SMDL and the questions and answers go to the NAME Web site under news issued December 15, 2006.

NAME Committees Corner

Governmental Affairs Committee

In keeping with the NAME organization's mission, the newly established NAME Governmental Affairs Committee current focus is on collaborating with it's national partners to establish a work group with the Centers of Medicare and Medicaid Services (CMS) and the Office of Special Education and Rehabilitative Services (OSERS) to focus on the overlap issues in the Individuals with Disabilities Education Act (IDEA), Part B regulations and 1905c of the Social Security Act.

For further updates on these and other issues, please visit the NAME web page at:

<http://www.medicaidforeducation.org/>.

Finance Committee

The Finance Committee has been working on various objectives related to the Long Range Plan for NAME. The first was the creation of a three year budget in order to provide a consistency for the financial aspect of the organization. The projections take into consideration the growth of the membership and the attendance at the annual conference. This has also allowed the committee to address a second objective of providing a plan to have a reserve of \$100,000 in the bank by the end of 2007.

The committee is still working on the creation of a tiered membership structure. The plan is to have this ready for Board approval in either December 2006 or January 2007. The implementation of this structure would be at the end of 2007, in order for the Bylaws to be updated and the structure to be implemented with the 2007 NAME Conference registrations.

The 2006 NAME Conference in Indianapolis was a great success, both in topics presented and financially. Thanks to the awesome leadership of John Hill and Teresa Pastore, the budget was maintained for this event. The continued support of the vendor community also contributed to the financial stability of the conference.

During the next couple months, there are about 100 NAME members in 2005-06 that will have their membership dues expire. Renewal notification has begun and it is hoped that most of these people will continue their membership in the organization.

Janet Lowe, Chair

Budget and Finance
Dann Stevens, Chair

Communications Committee

Message Board now available at NAME web site!

The NAME organization is formed in part to network and share information across states regarding Medicaid and Education. We now offer an internet medium for this networking. You can share questions and comments with other members during the year and not have to wait for the next annual conference. For example, if you would like to generate discussion about how States and LEAs are reacting to the new IDEA Parental Consent requirement go to the site and add your 2 cents.

When you reach the site you will see three sections:

The first section includes common topics related to claiming.

The next section is for NAME organizational topics.

The last section is a place to ask regional questions or network with your section of the country.

The message board can be found at the following link:

<http://eg.mesd.k12.or.us/eg/name/phpBB2/index.php>

As new topics are added NAME will notify you.

Although it is not required, don't forget to register once you log in.

Special thanks to Eric Gustafson of the web committee.

2006 Conference Committee:

Centers for Medicare and Medicaid Services Presentation at the 2006 NAME Conference

Follow-up questions were received from the NAME membership pertaining to CMS 2006 presentation from the conference. The NAME governmental affairs committee has been in contact with CMS regarding the follow-up questions pertaining to which school administrative staff can participate in time studies for administrative claiming. To date, we have not received a response, but we do expect one in the near future.

As a side note...In a conversation with CMS on November 14, 2006 we learned that the 2002 CMS Administrative Claiming Guide which has been missing from the CMS web page for several months has been reposted:

<http://www.cms.hhs.gov/MedicaidBudgetExpendSystem/Downloads/Schoolhealthsvcs.pdf>

Journey Through the Crossroads

The NAME Board of Directors and the NAME Conference Committee would like to extend a BIG thank you to our friends and colleagues who helped to make the 2006 Conference a success in so many ways:

- o American Associations of School Administrators (AASA),
- o National Association of State Directors of Special Education (NASDSE),
- o Centers for Medicare and Medicaid Services (CMS),
- o LEAnet,
- o Milt Wright & Associates,

- Rupert's Kids
- Indianapolis Hyatt Regency Hotel
- Our Gold and Silver Sponsors
- All those who conducted breakout sessions
- Each and every person who attended

Representative of some of the topics discussed were: State Plan Amendments, Part C Services, Documentation Practices, Random Moment Time Studies, Nursing, Personal Care, School-Based Services 101.

Among the presenters: Bill East, Executive Director, NASDSE; Mary Kusler, Assistant Director – Government Relations, AASA; Judi Wallace, Health Insurance Specialist, CMS; Melissa Harris, CMS; Linda Tavenor, CMS; Fritz Jenkins, Senior Policy Analyst, Oregon Department of Education; Greg Morris, Attorney at Law, LEAnet political action up-date.

The full content of their presentations and the break out sessions are posted on the NAME web page:

<http://www.medicaidforeducation.org/content.asp?a=3>

Frequently Asked Questions Corner

Q. What is the Purpose of NAME?

A. The primary purposes of NAME are to provide an information network among the states on issues pertinent to the Medicaid programs in schools and to act as a focal point of communication between the states.

Q. How many states will implement 34CRF § 300.154 parental consent requirements?

A. The National Alliance for Medicaid and Education sent out a survey to obtain this information. There were 28 responses representing 23 states. As of mid-December 2006 78 % of the respondent states had a parental consent policy in place prior to the October 13, 2006 IDEA regulation 34CRF § 300.154. Ten of the reporting states (43%) plan on changing their parental consent policy based on the new regulations, and 5 states (22%) were undecided. Seven states (almost 1/3) did not plan to change their policies including states that did and did not have a policy prior to the new regulatory requirement. One state had differing responses from the Education and Medicaid Agency regarding the survey questions.

Q. Can I suggest topics for NAME research surveys?

A. Yes; in fact we encourage requests for information gathering surveys on current issues of concern. At present, further research is being done on the parent consent issue, Medicaid claiming in charter schools and the status of 3-year IEP pilot programs.

We encourage submission of questions. To be answered in the next issue of NAME Tag are:

- Q. Does NAME have a political agenda?
- Q. Can I access information from NAME without being a member?
- Q. What are the additional benefits to becoming a member?
- Q. How do I keep current with the fast changing information that is emerging on Medicaid claiming requirements?
- Q. I'm new to the world of Medicaid claiming and lost in a forest of acronyms. Where do I turn for help?
- Q. Other than the annual NAME national conference, are there any regional conferences for NAME members?

Answers to these questions will be anthologized on the NAME website.

The Fifth Annual NAME Conference

The 2007 conference committee is well aware they have a tough act to follow, so we are hard at work to put together a conference that will knock your socks off! The contract has been finalized and the initial information is below:



The Fifth Annual NAME Conference
September 26-28th, 2007
Hyatt Regency Minneapolis, MN

Watch for additional information regarding:
Call for presenters

Pre-conference Introduction to Medicaid in Education on September 25th
Conference and hotel registration
Program of events

Questions or thoughts? Contact Conference Chairs:
Teresa Pastore at teresa.pastore@umassmed.edu or 617-886-8078
Cathy Griffin at cathy.griffin@state.mn.us or 651-582-8263

