

INFORMATION TO PARENTS AND GUARDIANS ABOUT BILLING FOR HEALTH RELATED SERVICES

INTRODUCTION

By law school districts must try to get payment from private and public health insurers for the cost of health related services given to children with disabilities as part of Individualized Education Programs (IEP) or Individual Family Services Plans (IFSP). Your child may receive health related services from the school district as part of his or her IEP or IFSP. Your child's school district may ask your permission, as a parent or legal guardian, to get information from your insurer about whether your insurance will cover the health related services. The school district may also ask your permission to bill your insurer for health related services. You do not have to give your permission. **If you do not give permission for your child's school district to contact your insurer, your child's IEP or IFSP services will not be affected.** Your child must receive all of the services in the IEP or IFSP at no cost to you.

IEP/IFSP HEALTH RELATED SERVICES

Health related services are the developmental, corrective and supportive services required to help a child with a disability benefit from special education. These services include special transportation, speech-language/hearing therapy, mental health services, physical and occupational therapy, nursing services, assistive technology devices and personal care assistant services.

Your child's IEP or IFSP should clearly state the health related services that your child will receive.

INFORMED CONSENT

Your child's school district may contact your insurer, private or public, only if you give informed consent. Informed consent means that:

- (1) You have been given all relevant information in your native language, or other mode of communication;
- (2) You understand and agree in writing;
- (3) Your consent describes what the school district plans to do;
- (4) Your consent lists the records that will be released and says who they will be released to;
- (5) For private insurance, your consent is given each time the school district wants to access your insurance. For medical Assistance or MinnesotaCare, your written consent is requested again if it is needed for a different purpose and must be requested at least yearly; and,
- (6) You understand that your consent is voluntary and that you may take away your consent at any time.

PRIVATE INSURANCE

Private insurance is the health insurance that you have through your employer or that you have purchased yourself. Your private health insurance may cover one or more of the health related services in your child's IEP or IFSP. Each private health plan is different. Yours may not cover the health related services in your child's IEP or IFSP. Your school district may access your private insurance only if you agree in writing.

If you give permission for the school district to contact your private insurer about coverage, then your benefits under your health insurance plan may be affected. This means (1) the cost of your health insurance premiums may increase, (2) lifetime caps may be affected, and (3) the service limits may be affected. For example, if you give permission for the school to bill your private insurance for health related services, then you may reach the limits of your coverage earlier than if you did not permit them to bill your insurer.

Your private plan may impose certain costs for the health services provided at school. The school must pay those costs for you. This means that the school must pay any copayments, coinsurance, premium increases and deductibles.

If you do not give permission for the school district to contact or bill your private insurance, then your child's IEP or IFSP services will not be affected.

If you do give permission for the school district to contact or bill your private insurance, you may take away your consent at any time. If you take away your consent, then the school district must stop billing your private insurance. If you do not give permission or if you choose to take your permission away, then your child's IEP or IFSP services must still be provided at no cost to you.

PUBLIC INSURANCE: Medical Assistance (MA) and MinnesotaCare

MA and MinnesotaCare are health insurance programs funded by the government. MA or MinnesotaCare covers certain health related services that may be in your child's IEP/IFSP. These services include special transportation, speech-language/hearing therapy, mental health services, physical and occupational therapy, nursing services, assistive technology devices and personal care assistant services.

If your child is covered under private insurance and MA or MinnesotaCare, you should also read the information below under "Coverage by Both Private Insurance and Public Insurance."

Your child's school district must seek payment from MA or MinnesotaCare for the cost of health related services in your child's IEP or IFSP if your child is covered by MA or MinnesotaCare. The school district can contact and bill MA or MinnesotaCare for the services provided to your child only if you agree in writing. You do not have to give permission. Your child's IEP or IFSP services will not be affected, whether you give permission or not.

If you do not give permission for the school district to access your MA or MinnesotaCare, then they must still provide the IEP or IFSP services to your child at no cost to you. The school district cannot use your refusal to give permission as an excuse to delay the IEP or IFSP services. You cannot be required to enroll for public insurance in order for your child to receive IEP or IFSP services.

If you do give permission for the school district to access your public insurance, then:

- The covered services in your child's IEP or IFSP will be provided to your child by the school district and billed directly to the MN Department of Human Services;
- The covered services in your child's IEP or IFSP will not affect any MA or MinnesotaCare threshold limits that your child may have for other MA or MinnesotaCare services;
- The covered services in your child's IEP or IFSP will not affect the amount of services available under a home and community-based waiver. If your child receives services through a home and community-based waiver, the cost of any covered IEP or IFSP services will not be counted against your child's individual home and community-based waiver cap;
- Some covered services in your child's IEP or IFSP will require physician review once a year before payment can be claimed;
- You cannot be required to pay any out-of-pocket expenses as a result of the school district accessing your public insurance;
- You may take away your consent at any time. If you take away your consent, the school district must stop billing your public insurance.

COVERAGE BY BOTH PRIVATE AND PUBLIC INSURANCE

Your child may have coverage under both private insurance and MA or MinnesotaCare. When a child is covered by both private insurance and MA or MinnesotaCare, the private insurance must be billed first, and then the MA or MinnesotaCare.

You do not have to give permission for the school district to contact your child's private insurance or MA or MinnesotaCare.

If you do not give permission for the school district to access your MA or MinnesotaCare, then they must still provide the IEP or IFSP services to your child at no cost to you. The school district cannot use your refusal to give permission as an excuse to delay the IEP or IFSP services.

If you do give permission for the school district to access your public insurance and your private insurance, then:

- the school district may contact your child's private insurance to find out if they will cover any of the health related services in your child's IEP or IFSP;
- Your private insurer will tell your child's school district by letter what services they will and will not cover. This letter will be placed in your child's school file;
- The school district will bill the private insurance for the health related services that the private insurance said they will cover;
- The school district will bill public insurance if the private insurance does cover the health related services;
- The covered services in your child's IEP or IFSP will not affect any MA threshold limits that your child may have for other MA services;
- The covered services in your child's IEP or IFSP will not affect the amount of services available under a home and community-based waiver. If your child receives services through a home and community-based waiver, the cost of any covered IEP or IFSP services will not be counted against your child's individual home and community-based waiver cap;
- Some covered services in your child's IEP or IFSP will require physician review once a year before payment can be claimed through public insurance;
- You cannot be required to pay any out-of-pocket expenses as a result of the school district accessing your MA or MinnesotaCare;
- You may take away your consent at any time. If you take away your consent, the school district must stop billing your private and public insurance

If your child has coverage under both private insurance and public insurance, you may have a parental fee. Your MA parental fee is a sliding fee based on family income, family size and whether the child lives at home. The parental fee is capped by the cost of MA services the child receives in a year. When the Department of Human Services calculates the cap, the cost of IEP or IFSP services are not counted. Therefore, any billing of IEP or IFSP services to MA or MinnesotaCare will not raise the cap on the parental fee.

If a child is eligible for MA, but does not receive any MA covered service except IEP or IFSP services, you can request a disparity agreement from the Department of Human Services. A disparity agreement allows you to inform the Department of Human Services that there is no intent to access any MA services except IEP or IFSP services. Your fee will be \$0.00 unless your child uses other MA services during the year. This disparity agreement also notifies families that if other MA services are accessed, families will be responsible for the parental fee applied to those other services. Schools are under no obligation to pay parental fees.

DISCLOSURE OF YOUR CHILD'S IEP/IFSP

As part of the process of billing your insurance, the school district may disclose information contained in your child's IEP or IFSP to your insurer. They may disclose this information only if you or another legally authorized person gives consent in writing. The school district can disclose only the information necessary for the insurer to decide matters of coverage and payment. The insurer may use the information only for making decisions regarding coverage and payment, and for any other use permitted by law.

IF YOU WOULD LIKE SCHOOL DISTRICT STAFF TO ANSWER YOUR QUESTIONS:

Please contact _____

at _____

IF YOU WOULD LIKE INFORMATION FROM AN ADVOCACY AGENCY YOU MAY CONTACT:

Arc Minnesota

770 Transfer Road, Ste 26

Saint Paul, Minnesota 55114

Phone: 1 (800) 582-5256 or (651) 523-0823

Fax: (651) 523-0829

Minnesota Disability Law Center

430 1st Ave, Suite 300

Minneapolis, Minnesota 55401

Phone: (612) 334-5785

Fax: (612) 334-5755

The PACER Center, Inc.

8161 Normandale Boulevard

Minneapolis, Minnesota 55437-1044

Phone: 1 (800) 537-2237 or (952) 838-9000

Fax: (952) 838-0199