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## MEDICAID SCHOOL PROGRAM Information Bulletin, MSP-007

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April 20, 2009

### **Important Information Regarding Medicaid School Program “Parental Consent”**

At the Medicaid School Program meeting held on April, 16, with the Ohio Department of Education, Ohio Department of Jobs and Family Services, Ohio Legal Rights Service, and various other therapy and school representatives, MSP authorities released its recommendation regarding “Parental Consent”. Proper MSP Parental Consent will allow your District to share “protected educational and health related information” with your billing agent, ODJFS, ODE, and other consultants. HIPAA, FERPA, IDEA, and MSP are very specific when it comes to the privacy of protected student information.

The Ohio Medicaid School Program is recommending “signed parental permission” be obtained on an annual basis for all students that “Protected Information” is being shared. This is not just a “Medicaid billing issue”, but also a “sharing of information issue”. ODE has developed a form entitled “Parent/Guardian Consent to Share Information and to Bill Medicaid”, which is also attached to this email. This type of consent form is being used by virtually every State School Medicaid Program in the country. There is very specific information required on the consent form, and the forms used are very consistent from state to state.

This type of Parental Consent is called the “Parental Permission Method”, however some are advocating a “Parental Notification Method”, which **HBS strongly discourages**. ODE, ODJFS, Ohio Legal Rights Service, and others are also strongly opposed to this method. Under the “Parent Notification Method, you simply send the parent a complicated letter and give them a phone number to call if they do not want their child’s records shared, with the hopes that they will not understand or just fail to call. As a parent with children in an Ohio public school, I am shocked by this method, as I am sure that most parents would be too if they understood what was truly being done to them.

The notification method has been sold to districts under the false belief that this method would generate more Medicaid dollars to the district, which is not true. Parents that elect not to permit their child’s educational and health related information to be shared would not effect a district’s total Medicaid reimbursement under the Ohio Medicaid School Program. Yes that’s right, it does not have any effect on your total Medicaid reimbursement, and anyone that tells you it does, doesn’t fully understand this program. It does effect your “interim reimbursement”, but has no effect on your “final reimbursement”.

At HBS, we have a very simple method of obtaining true parental consent (or non-consent), and we have an automated method of tracking it for you that guarantees complete compliance. Parents and students have rights, and let’s not manipulate those rights by taking an easy way around a simple mandate. Our last Medicaid Program for Schools was shut down because of aggressive and non-compliant practices. There are many individuals and agencies that have worked very hard to get this program approved and operating in Ohio, and it seems foolish to jeopardize its success on a simple but important issue like Parental Consent. This is not an

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issue to take lightly and I urge you to follow the State's method and do this the right way. Ohio Legal Rights, as well as other groups are all over this issue, and I do not see them backing down on this.

Please let me know if you have any questions or comments, and I have a lot of information on other State's policies and forms regarding parental consent. If you have questions regarding Parental Consent please contact me at [teamhbs@aol.com](mailto:teamhbs@aol.com).

You may also want to contact Yolanda Talley at ODJFS ([Yolanda.Talley@jfs.ohio.gov](mailto:Yolanda.Talley@jfs.ohio.gov)), or Bill Shackleford at ODE ([William.Shackleford@ode.state.oh.us](mailto:William.Shackleford@ode.state.oh.us)) for more information.

Thank you for your continued support of this program.

Daniel A. Thomas, President  
Healthcare Billing Services, Inc.

**Healthcare Billing Services, Inc.**

55 High Street, Carroll, Ohio 43112

Phone (740) 639-4218

FAX (740) 639-4217

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