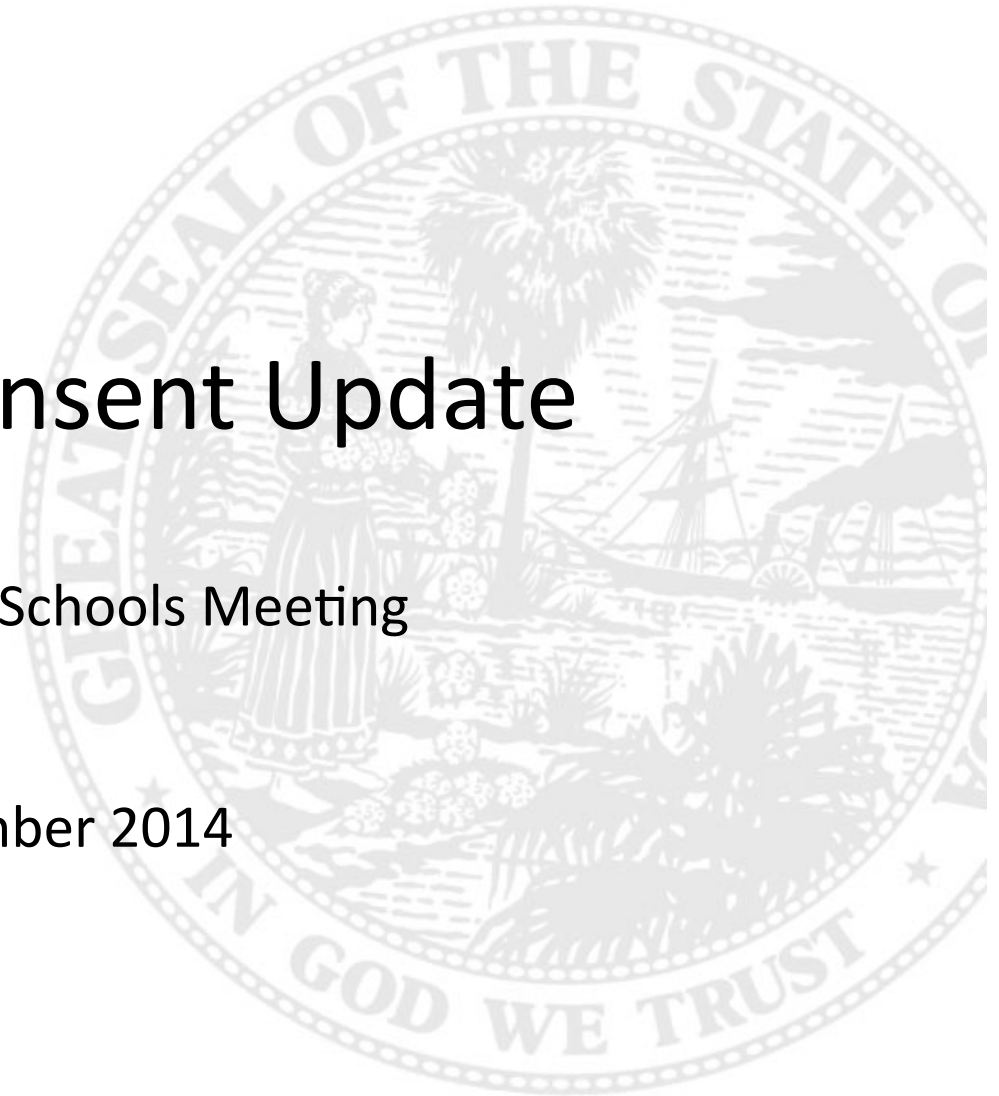


# Parental Consent Update

Medicaid and Schools Meeting

September 2014



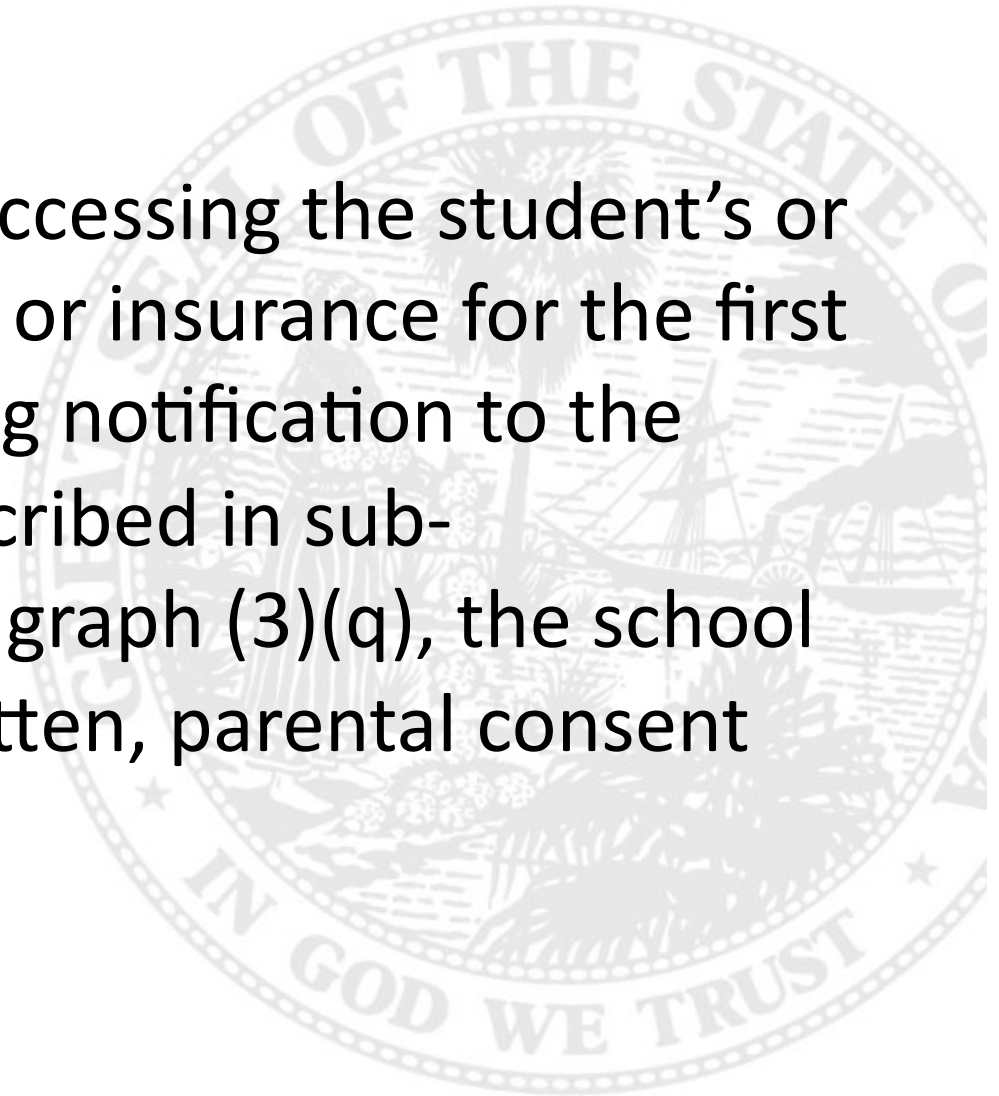
## Requirements Now in Rule

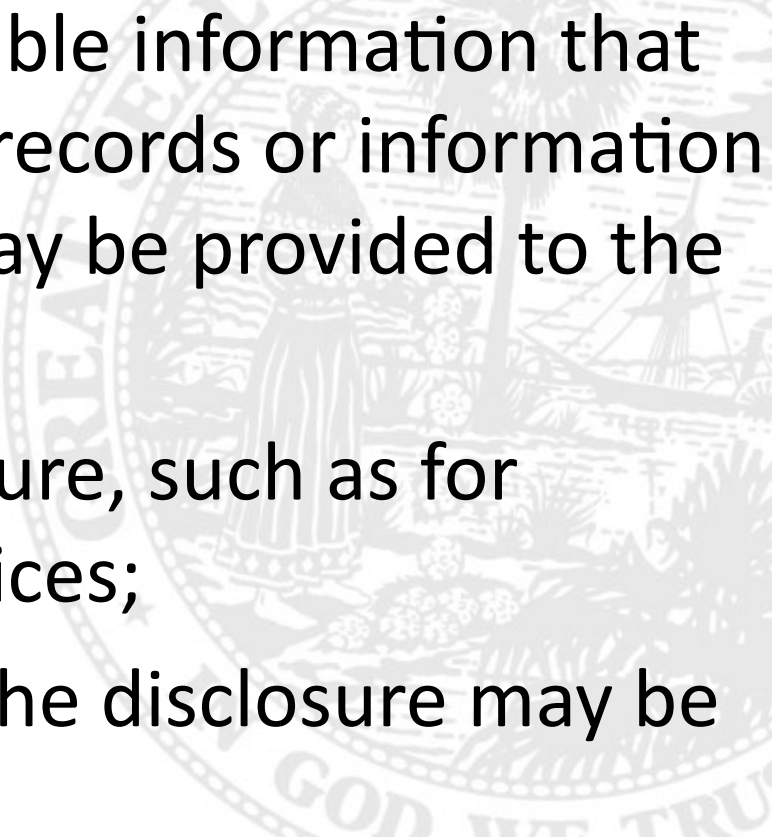
- 6A-6.03028, Florida Administrative Code
- Effective March 25, 2014
- Rule Title: Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities



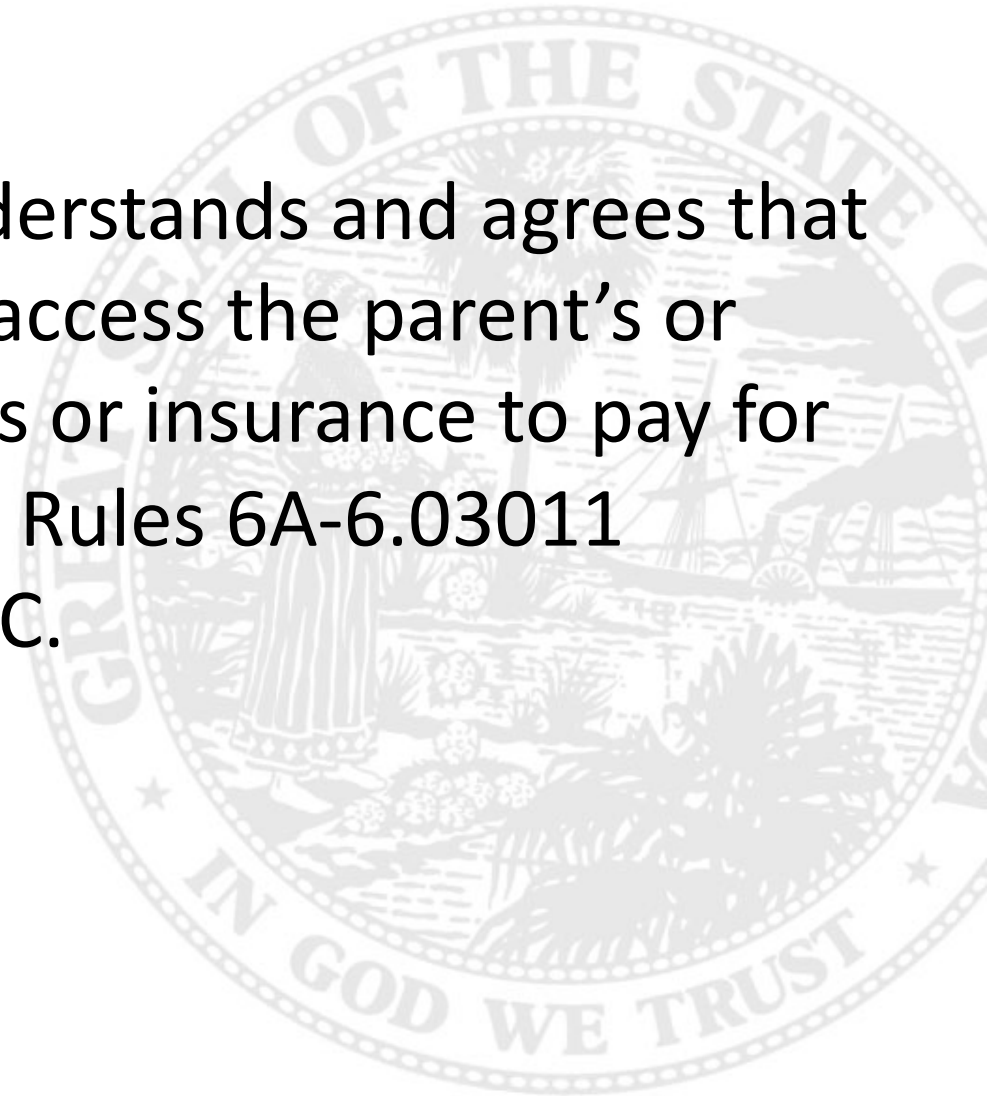
**Old Rule:** (School district) Must obtain informed written parental consent each time that access to public benefits or insurance is initially sought and notify parents that the parents' refusal to allow access to their public benefits or insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents. Parental consent must be obtained each time services are changed.

**Revised Rule:** Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in sub-subparagraph e. of paragraph (3)(q), the school district must obtain written, parental consent that specifies:



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- The seal of the State of Florida is visible in the background, featuring a central figure holding a scale and a sword, surrounded by the text "GREAT SEAL OF THE STATE OF FLORIDA" and "GOD WE TRUST".
- (I) The personally identifiable information that may be disclosed such as records or information about the services that may be provided to the student;
  - (II) The purpose of disclosure, such as for purpose of billing for services;
  - (III) The agency to which the disclosure may be made; and

(IV) That the parent understands and agrees that the school district may access the parent's or student's public benefits or insurance to pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.

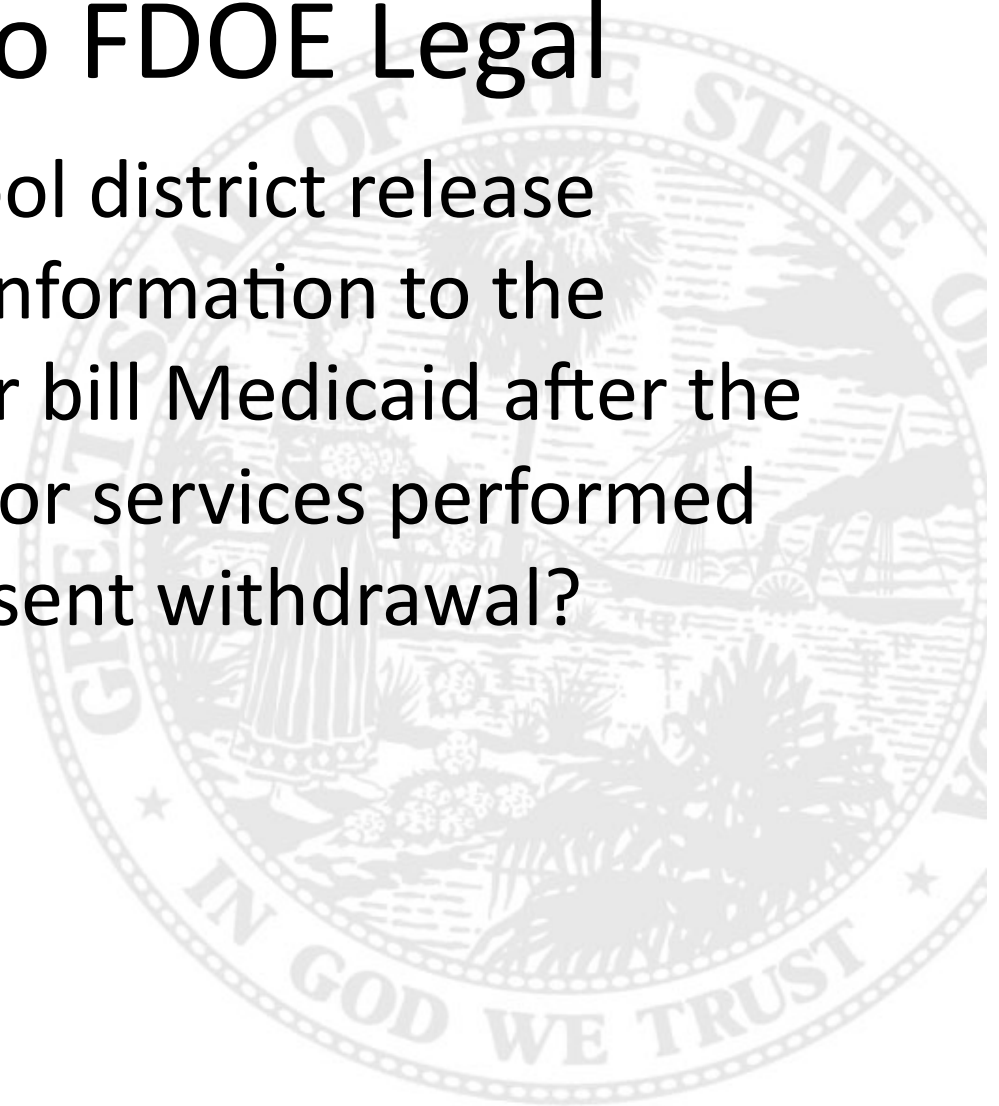


## Questions to FDOE Legal

**Scenario 1:** A school district provides the required notification and obtains the parental consent in accordance with federal regulations and state rule. The parent then withdraws the parental consent that was previously given. The school district provided Medicaid billable services and billed Medicaid for some of those services during the period covered by the parental consent. Some Medicaid billable services that were provided prior to the revocation were not billed.

## Questions to FDOE Legal

Question: Can the school district release personally identifiable information to the Medicaid agency and/or bill Medicaid after the withdrawal of consent for services performed prior to the date of consent withdrawal?



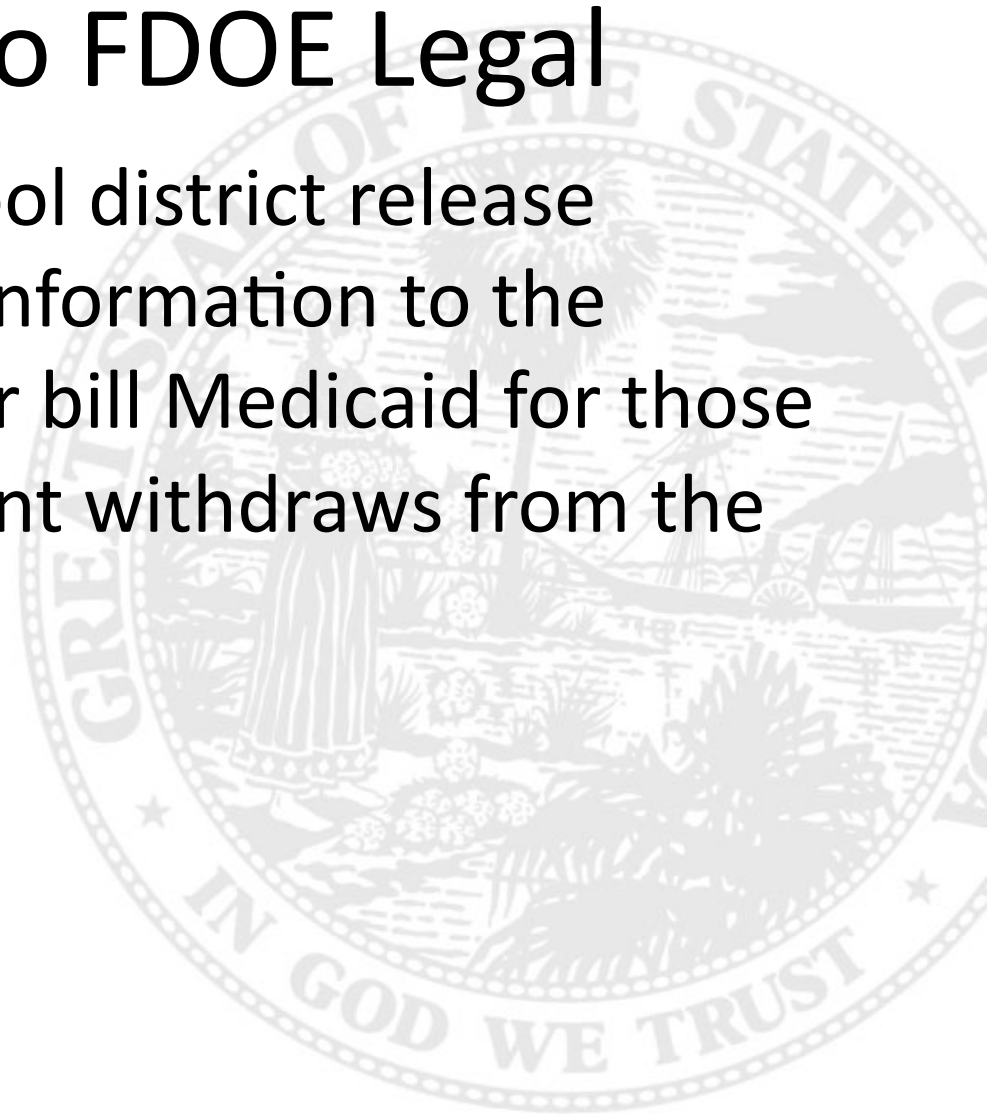


## Questions to FDOE Legal

Scenario 2: A school district provides the required notification and obtains the parental consent in accordance with federal regulations and state rule. The student subsequently withdraws from school, but there are unbilled Medicaid services that were provided after the date of obtaining consent before the student withdrew.

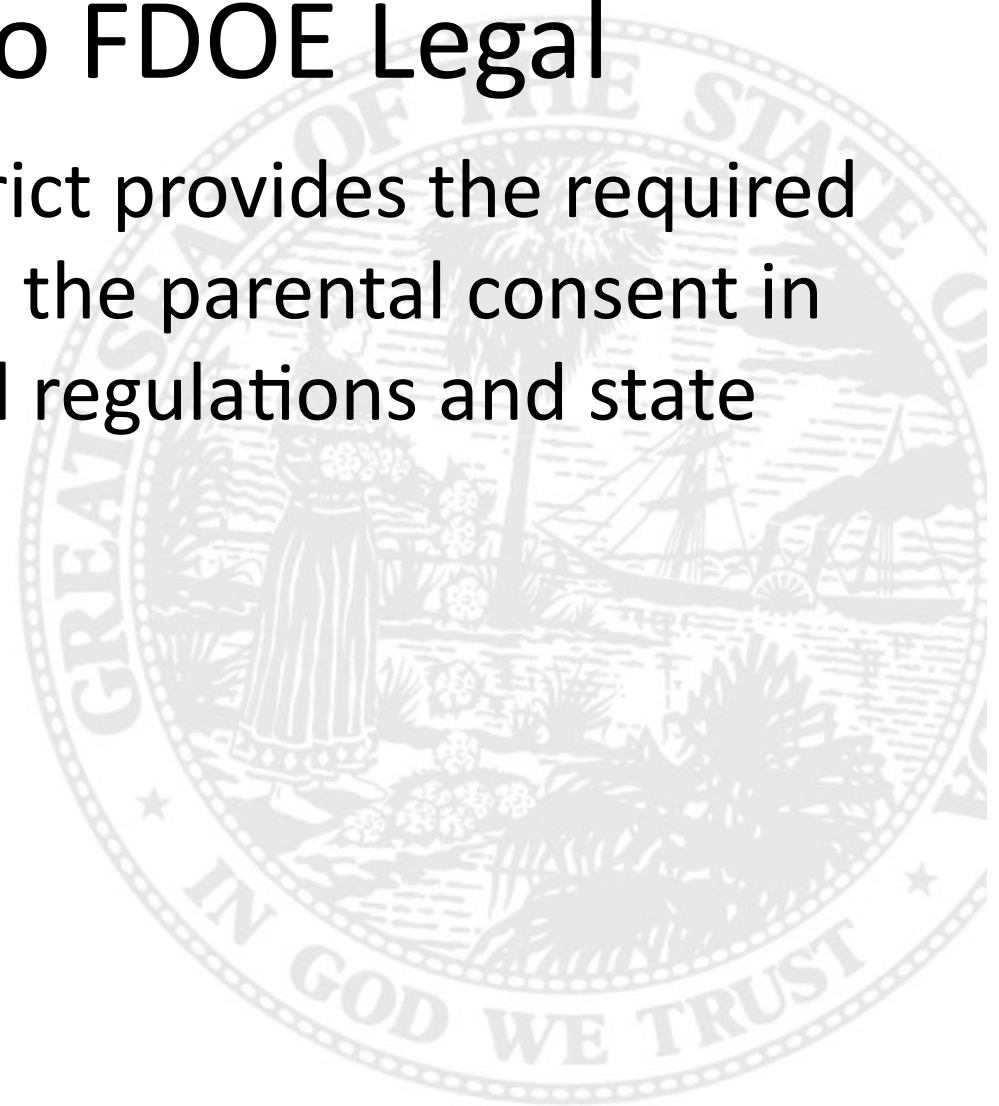
## Questions to FDOE Legal

Question: Can the school district release personally identifiable information to the Medicaid agency and/or bill Medicaid for those services after the student withdraws from the school district?



## Questions to FDOE Legal

Scenario 3: School district provides the required notification and obtains the parental consent in accordance with federal regulations and state rule.



## Questions to FDOE Legal

Question: Can the school district release personally identifiable information to the Medicaid agency and/or bill Medicaid for services provided prior to the date of the consent (Medicaid rule allows services to be billed up to one year beyond the date the service was provided)?

Question: Can the school district add a request for consent to bill for the services provided prior to the date of the consent?

## Questions

If a district has received parental consent and the child moves to another district in Florida, can the consent transfer to the new district?

**No, the new public agency (the district) will need to provide notification and obtain parental consent**

