

Medicaid Parental Consent and Annual Notification Checklist

District:

Paragraph 6A-6.03028(3), Florida Administrative Code (F.A.C.), IEP Requirements.

(q) Procedures for students with disabilities who are covered by public benefits or insurance. A school district may use the Medicaid or other public benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011-.0361, F.A.C., as permitted under the public benefits or insurance program, except as provided herein.

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:

	a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA;
	b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA, but pursuant to subparagraph (3)(q)3. of this rule, may pay the cost that the parent otherwise would be required to pay;
	c. May not use a student's benefits under a public insurance program if that use would: <ul style="list-style-type: none"> (I) Decrease available lifetime coverage or any other insured benefit; (II) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school; (III) Increase premiums or lead to the discontinuation of benefits or insurance; or (IV) Risk loss of eligibility for home and community-based waivers, based on aggregate health related expenditures; and,
	d. 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: <ul style="list-style-type: none"> (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-.0361, F.A.C.
	e. Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the school district must provide written notification consistent with the requirements found in paragraphs 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes: <ul style="list-style-type: none"> (I) A statement of the parental consent provision in sub-subparagraph d. of this paragraph; (II) A statement of the no cost provisions of subparagraph (3)(q)1.; (III) A statement that the parents have the right to withdraw their consent to disclose their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time; and, (IV) A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

Date Reviewed: