

Medicaid, Schools and Waivers Frequently Asked Questions

This fact sheet was developed to allay concerns about the Ohio Home Care and Transitions MRDD waivers and the ability for children to receive nursing services in school. It is important to note there have been no changes to the services provided through the Ohio Home Care or Transitions MRDD waivers. However, the Ohio Department of Education (ODE) and Medicaid are implementing a new funding mechanism for schools called the Medicaid School Program.

The Medicaid School Program is being implemented so that Medicaid can reimburse participating schools for such services as nursing and occupational, physical and speech therapies. These services must be included in the Individualized Education Program (IEP) for Medicaid-eligible students to be eligible for Medicaid reimbursement. Schools are mandated to provide these services in accordance with the Individuals with Disabilities Education Act (IDEA), regardless of whether the child is enrolled in a Medicaid waiver program or whether Medicaid funds are available.

The following are answers to some questions that parents have had about the Medicaid School Program.

Q. Are there circumstances when my Ohio Home Care or Transitions MRDD waiver provider could go to school with my child?

A. Yes. A waiver provider could accompany a child to school in any of the following circumstances if the service is specified on the All Service Plan:

- The school's plan for meeting the child's identified IEP service needs is not adequate to ensure the child's health and welfare as determined by the child's waiver team.
- The school is developing a plan to meet the identified IEP service needs, but the plan is not yet in place.
- There is a discrepancy or difference of opinion regarding what is to be included on the IEP and how the IEP needs are to be met.
- The child is attending a private school, per parental preference, and the child needs a medically necessary service during school hours.
- The waiver provider enters into a contract with the school to deliver services to the child. The school would be responsible for paying for the services.

In any of these situations, families should work closely with their CareStar case manager. These examples are intended to illustrate a variety of circumstances. Service-specific requirements still apply, as they would in other locations. If a problem arises, the CareStar case manager should contact the ODJFS Bureau of Community Services Policy for followup. Other circumstances in which it may be possible for a waiver provider to accompany a child to school will be reviewed on a case-by-case basis.

Q. What if the school will not use my waiver provider to provide the services in my child's IEP?

A. ODJFS has no authority to require a school system to employ a specific provider. If you disagree with how the school system plans to meet your child's needs, you should work with your CareStar case manager to exercise your due process rights with the school system. If you and your CareStar case manager believe the school's plan to meet your child's needs risks your child's health and welfare, it may be possible for your waiver provider to provide the services in the school on a short-term basis. The ODJFS Bureau of Community Services Policy will make such determinations on a case-by-case basis.

Q. Are the services available through the waiver the same as those provided by the schools?

A. The services are not the same, but there are some similarities. The goal of the treatment or service may be different. Keep in mind that Medicaid waiver services must be medically necessary and are not limited to school times. The child's health and safety must be ensured. School and IEP services are designed to enable children to participate in school. They are not the same, but they also are not mutually exclusive. It is because of these requirements and the unique needs of each child that we recognize no rule will apply in every single case. Each situation must be examined in the context of the child's All Service Plan and his or her IEP.

Q. How do I find out what should be included in my child's IEP?

A. Contact your school district. You also can contact the ODE Office of Exceptional Children to get information about the related services that are required under the Individuals with Disabilities Education Act (IDEA). However, remember that you are a part of the IEP team. The team should discuss and decide the appropriate services, level of services, and the way services should be provided for your child. So, first talk with your waiver case manager, and also try to work with your IEP team. For more information about the IDEA process, go to <http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?Page=3&TopicRelationID=967&Content=74616>.

Q. What if the school won't provide the services described on the IEP?

A. Ask your case manager to help you communicate your concerns with your school district. If they are not resolved, you can choose from several dispute resolution options. For more information, see <http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?Page=3&TopicRelationID=967&Content=74616>.

Q. What if I disagree with decisions the school makes regarding my child’s IEP and its implementation?

A. Many disagreements can be resolved by communicating with your child's teacher, principal or other school district personnel. In addition, you can work with your case manager and request from the school district IEP facilitation or mediation. If that doesn't work, you can choose from several dispute resolution options. For more information, see <http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?Page=3&TopicRelationID=967&Content=74616>.

If you disagree with the school district’s evaluation, you may request from the school district an independent educational evaluation (IEE), which is an evaluation conducted by a qualified examiner who is not employed by your child’s school district.

Q. Currently, my waiver provider goes to school with my child. Can this continue?

A. Yes, if appropriate. See the first question and answer on this document for a description of when it may be appropriate for a waiver provider to go to school with a child.

If it is determined that a waiver provider should not go to school with your child, thereby causing a change in waiver services, the CareStar case manager will discuss this with you as part of your care planning process. You will receive due process rights prior to any changes being made. If you do not agree with the proposed changes, it is important to file an appeal within 15 days so that the service will remain unchanged until the appeal is completed.

Q. What is my case manager’s role in working with the schools?

A. The case manager’s role includes, but is not limited to, the following:

- **Member of a child’s IEP team** – If the parent agrees, the case manager for a child should be a member of the child’s IEP team. The case manager’s participation is essential to care coordination and adequate planning.
- **Family advocate** – The case manager should make sure that the child and his or her family have access to services and resources, and should be active in breaking down barriers and navigating obstacles to accessing services and resources.
- **Educator** – The case manager should educate the child and his or her family about their rights and the school’s responsibilities under IDEA. This includes filing complaints and obtaining due process through the ODE Office of Exceptional Children concerning violations of state or federal special education law.
- **Family Supporter** – The case manager should support the family when exercising their rights and holding the schools responsible for services and supports mandated by IDEA.
- **Liaison** – The case manager should inform the case management agency (CMA), and the CMA should contact the ODJFS Bureau of Community Services Policy,

when he or she identifies a school district that fails to meet its IDEA responsibilities.

- **Manager** – All services provided, including those provided in the school setting, should be identified on the waiver program’s All Service Plan, with the appropriate payer source noted.

Q. Whom can I contact if I have additional questions?

A. If you have questions, please contact the ODJFS Bureau of Community Services Policy at (614) 466-6742.

Key Terms

- The **Ohio Home Care Waiver** and the **Transitions MRDD Waiver** are administered by the ODJFS Bureau of Community Services Policy, with the assistance of CareStar, which serves as the case management agency for the Ohio Home Care Program.
- The **Individual Options** and **Level 1 waivers** are administered by the Ohio Department of Developmental Disabilities and the county developmental disabilities boards. These are sometimes referred to as the “Martin waivers,” because of a lawsuit by this name.
- The **Individualized Education Program (IEP)** is a written statement for each child with a disability that includes but is not limited to a statement of the child’s present levels of performance, measurable annual goals, a description of measures to determine progress toward annual goals, and the needed special education and related services and supplementary aids and services. (For a complete definition, see Ohio Revised Code 3323.011.)
- The **All Services Plan** is the service coordination and payment authorization document for the Ohio Home Care Waiver and the Transitions MRDD Waiver. It identifies specific goals, objectives and measurable outcomes for consumer health and functioning. These outcomes are expected as a result of services provided by both formal and informal caregivers. The All Services Plan addresses the physical and medical conditions of the person on the waiver program. (For a complete definition, see Ohio Revised Code 5101:3-45-01(D).)