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State/Territory Name: Missouri

State Plan Amendment (SPA) #: 13-09

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 East 12th Street, Suite 355
Kansas City, Missouri 64106



Division of Medicaid and Children's Health Operations

December 13, 2013

Brian Kinkade, Interim Director
Missouri Department of Social Services
Broadway State Office Building
P.O. Box 1527
Jefferson City, Missouri 65102-1527

Dear Mr. Kinkade:

On September 18, 2013, the Centers for Medicare & Medicaid Services (CMS) received Missouri's State Plan Amendment (SPA) transmittal #13-09, an Interagency Agreement between the Missouri Department of Elementary and Secondary Education and the Missouri Department of Social Services. This agreement is for Missouri school-based services under Part B of the Individuals with Disabilities Education Act (IDEA).

This SPA was approved on December 10, 2013 with an effective date of July 1, 2013, as requested by the state. Enclosed is a copy of the CMS 179 form, as well as, the approved pages for incorporation into the Missouri State plan.

The Regional Office reviewed this submission as a "prototype" per request of the state in a letter dated October 10, 2013. If you have any questions concerning this SPA, please contact Deborah Read at (816) 426-5925 or Deborah.Read@cms.hhs.gov.

Sincerely,

//s//

James G. Scott
Associate Regional Administrator
for Medicaid and Children's Health Operations

cc: Jennifer Tidball

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: HEALTH CARE FINANCING ADMINISTRATION	1. TRANSMITTAL NUMBER: <u>1 3 - 0 9</u>	2. STATE Missouri
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE July 1, 2013	

5. TYPE OF PLAN MATERIAL (Check One):
 NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION: 43 CFR 431 Subpart M	7. FEDERAL BUDGET IMPACT: a. FFY <u>13</u> \$ <u>0</u> b. FFY <u>14</u> \$ <u>0</u>
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attached 4.16-209	9. PAGE NUMBER OF THE SUPERSEDES PLAN SECTION OR ATTACHMENT (If Applicable): Replaces current Attachment 4.16-209

10. SUBJECT OF AMENDMENT:
Interagency Agreement between the Missouri Department of Elementary and Secondary Education and the Missouri Department of Social Services for Missouri school-based services under Part B of the Individuals with Disabilities Education Act. (IDEA).

11. GOVERNOR'S REVIEW (Check One)
 GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL:	16: RETURN TO: MO HealthNet Division 615 Howerton Court P.O. Box 6500 Jefferson City, MO 65102
13. TYPE NAME: Brian Kinkade	
14. TITLE: Acting Director	
15. DATE SUBMITTED: September 18, 2013	

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED: September 18, 2013	18. DATE APPROVED: December 10, 2013
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PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL: July 1, 2013	20. SIGNATURE OF REGIONAL OFFICIAL: <i>/s/</i>
21. TYPED NAME: James G. Scott	22. TITLE: Associate Regional Administrator for Medicaid and Children's Health Operations

23. REMARKS:

**Interagency Agreement Between
The Missouri Department of Elementary and Secondary Education
and
The Missouri Department of Social Services
For Missouri School-Based Services under Part B of the Individuals with Disabilities Education Act
(IDEA)**

**I
STATEMENT OF PURPOSE**

This agreement documents that the Missouri Department of Social Services, MO HealthNet Division and the Department of Elementary and Secondary Education, Office of Special Education, on behalf of students with disabilities eligible for services under Part B of IDEA, cooperate to enable Missouri school districts which enroll students with disabilities who are MO HealthNet participants to access MO HealthNet covered services and that the MO HealthNet program will pay for those services which are approved in the MO HealthNet State Plan. It is understood that participation in the MO HealthNet program is discretionary by schools. This agreement describes the methods which the two agencies have developed for use by schools to participate in the MO HealthNet program and thereby, to receive funding for services provided to the target population. The participation options described herein available for which school districts may participate in the MO HealthNet program may change over time and will be reflected in periodic updates to this Cooperative Agreement.

**II
STATE AGENCY RESPONSIBILITIES**

The Department of Social Services, MO HealthNet Division agrees to:

The Department of Social Services (DSS) is the State Medicaid Agency for Missouri and operates per Chapter 208, RSMo and Title XIX of the Federal Social Security Act. The MO HealthNet Division (MHD) is responsible for the administration of the medical assistance program (Title XIX) and Title XXI State Children's Health Insurance Program (S-CHIP) in Missouri.

The DSS MHD, in cooperation with the Federal administrator for the Medicaid program the Center for Medicare and Medicaid Services (CMS) in Health and Human Services (HHS) have approved the following participation options by which Missouri public schools may participate in the MO HealthNet program and provide MO HealthNet covered services to students with disabilities.

- **Direct Services Claiming:** Licensed providers may enroll as providers with MHD to deliver medically necessary covered school based services as outlined below to MO HealthNet participants.
 - Behavioral Services
 - Hearing Aid Services
 - Occupational Therapy
 - Personal Care Services
 - Physical Therapy
 - Private Duty Nursing Services
 - Speech Therapy
- **Administrative Claiming:** Schools may participate in the approved administrative claiming program which assists participants with accessing MO HealthNet covered services. School

districts must have an active Cooperative Agreement with MHD to participate in administrative claiming. Invoices for administrative claiming are submitted to MHD for reimbursement of the federal portion of the approved payment with the state portion of the approved payment being funded by state funds distributed to schools.

- **Transportation Claiming:** Schools may seek reimbursement from MHD for specialized non-emergency medical transportation provided to participants. School districts must have an active Cooperative Agreement with MHD to participate in transportation claiming. Invoices for transportation claiming are submitted to MHD for reimbursement of the federal portion of the approved payment rate with the state portion of the approved payment rate being funded by state funds distributed to schools.

The Department of Elementary and Secondary Education (DESE), Office of Special Education (OSE) agrees to:

The DESE, OSE, is the state education agency responsible for the general supervision of special education provided by local schools throughout Missouri. In this role, it acts to oversee the compliance of schools with IDEA, Part B, and distributes federal funding provided via IDEA. In this role, it also is responsible for working with other state and local agencies to assist in coordinating resources needed to provide eligible students with a free and appropriate public education (FAPE).

Educate and monitor school districts on the provisions in the IDEA requiring notification and consent from parents before the district submits claims for reimbursement to MO HealthNet.

The DESE, OSE assures that school districts will:

- Notify parents annually of the information to be shared; the purpose of the disclosure; to whom the information will be disclosed; that if consent is given, the district may access the parent's or child's public benefits; the right to withdraw their consent at any time; and that if they do withdraw consent, all required services will be provided to the child at no cost to the parent.
- Not require the parents to sign up for public benefits in order for the child to receive the services set forth in the Individualized Education Program (IEP).
- Not require parents to pay for the services set forth in the IEP.
- Get consent from the parent to access the public benefit account before submitting a claim for payment from MO HealthNet. The consent shall include what personally identifiable information may be disclosed to MO HealthNet (records or information about the services provided to the child), the purpose of the disclosure (billing for services) and a statement that the parent understands and agrees that the school district may access the parent's public benefits.

III FISCAL POLICIES

All fiscal administration of the MO HealthNet program is performed by MHD in accordance with the Medicaid State Plan. The MO HealthNet program will pay for medically necessary covered services for MO HealthNet participants which may be included in the IEP of students with disabilities when schools in which they are enrolled participate in the MO HealthNet available options and when they comply with MO HealthNet program policies and procedures. The terms and conditions for payment of MO HealthNet funds are described in the Medicaid State Plan.

The use of MO HealthNet for school based therapy services shall not:

- Decrease available lifetime coverage for MO HealthNet services or any other insured benefits for the child or family
- Result in the child's parents paying for services that would otherwise be covered by MO HealthNet
- Result in an increase in premiums or discontinuation of MO HealthNet for the child or family
- Risk loss of eligibility for the child or family for home or community-based waiver services based on aggregate health-related expenditures

Coordination of Services:

The MHD has established policies and program management procedures to coordinate services provided to students with disabilities who may have medically necessary services in their IEPs and also receive other health care services in addition or complimentary to those received for FAPE.

Managed Care Services:

MO HealthNet Managed Care health plans shall not be financially liable for early intervention services included in the IEP. These services are available outside the Managed Care health plans' contract and shall be reimbursed on a fee-for-service basis.

IV INTERAGENCY DISPUTE RESOLUTION

Any and all services identified in the child's IEP shall not be delayed or denied during the internal or interagency dispute resolution and until the dispute is resolved.

Internal Agency Dispute Resolution:

Each agency shall follow their procedures for internal disputes within the agency. For DESE, if internal dispute resolution is unsuccessful within OSE or another office within DESE, the dispute shall be resolved by the Commissioner of Education after going through the appropriate administrative levels within each office. For DSS, if internal dispute resolution is unsuccessful within MHD or another office within DSS, the dispute shall be resolved by the Director of Social Services after going through the appropriate administrative levels within each office.

Interagency Dispute Resolution:

DSS and DESE shall follow the procedures outlined below for disputes between the two agencies.

- DESE staff involved in the dispute shall notify the Assistant Commissioner (AC) of OSE and present the information related to the dispute.
- The AC shall conduct a review of all information and make a determination of responsibility. If the AC determines OSE is responsible, the dispute shall be resolved at that time and OSE shall claim responsibility. If the AC determines OSE is not responsible, the AC shall schedule a meeting with the MHD Director within three weeks of the AC's review.
- If the AC of OSE and the MHD Director are unable to come to a mutual agreement of responsibility at the meeting, the dispute shall be handed over to the Commissioner of Education and the Director of DSS.
- The Commissioner of Education shall conduct a review of all information and make a determination of responsibility. If the Commissioner of Education determines DESE is responsible, the dispute shall be resolved at that time and DESE shall claim responsibility. If the Commissioner of Education determines DESE is not responsible, the Commissioner of Education shall schedule a meeting with the Director of DSS within three weeks of the review by the Commissioner of Education.

- If the Commissioner of Education and the Director of DSS are unable to come to a mutual agreement of responsibility, the dispute shall be handed over to the Commissioner of the Office of Administration.
- The determination made by the Commissioner of the Office of Administration shall be the final decision of who assumes responsibility.
- OSE shall make arrangements with the responsible agency for reimbursement of any expenditures incurred.

V
TERMS OF THIS AGREEMENT

The period of this Cooperative Agreement shall be effective upon signature of both parties, and remain in effect until cancelled by one or both parties. This agreement may be canceled at any time, upon agreement of both parties or by either party after giving thirty (30) days prior notice in writing to the other party, provided, however that financial arrangement(s) pertaining to this agreement shall remain in effect and reimbursement shall be made for the period when the agreement is in full force and effect. This agreement may be modified at any time by the written agreement of both parties.

Brian Cinkade, Interim Director
Department of Social Services

6/27/13
Date

Chris L. Nicastro, Ph.D., Commissioner
Department of Elementary and Secondary Education

6/28/13
Date