

## NOTICE

### **School Health and Related Services (SHARS): Parental Consent to Bill Medicaid**

This notice is a clarification of what constitutes billing Medicaid under the School Health and Related Services (SHARS) program for purposes of parental consent to access a special education student's public benefits, as required by the Individuals with Disabilities Education Act (IDEA) and related federal regulations:

Per [34 CFR 300.154\(d\)\(2\)\(l\)-\(iv\)](#)

Prior to accessing a child's or parent's public benefits or insurance for the first time, and after providing notification to the child's parents consistent with paragraph (d)(2)(v) of this section, must obtain written, parental consent that—

(A) Meets the requirements of §99.30 of this title and §300.622, which consent must specify the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child), the purpose of the disclosure (e.g., billing for services under part 300), and the agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid)); and

(B) Specifies that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under part 300.

Per [guidance](#) from the Office of Special Education and Rehabilitative Services of the U.S. Department of Education dated February 10, 2014, school districts participating in the SHARS program are NOT required to *and may not* obtain the above-referenced parental consent for **all** students in special education; rather, districts are required to obtain parental consent ONLY for special education students for whom the district will **bill Medicaid** for providing SHARS services.

HHSC clarifies that billing Medicaid under the SHARS program includes: 1) submitting interim claims for Medicaid-enrolled students; and 2) counting Medicaid-enrolled students in the SHARS cost report (e.g., IEP ratio, specialized transportation ratio, one-way trip ratio).

If a district does not have written parental consent on file for a Medicaid-enrolled student with an IEP that prescribes SHARS services, the district may not submit any interim claims for the student or include the student in its SHARS cost report ratios until such written parental consent is obtained.

If you have any additional questions about this clarification, please contact the HHSC SHARS staff at [ProviderFinanceSHARS@hhs.texas.gov](mailto:ProviderFinanceSHARS@hhs.texas.gov).