



**child  
development  
services**

State Intermediate Educational Unit-146 State House Station, Augusta, ME 04333  
Telephone (207) 624-6660-Fax (207) 624-6661-TTY-1- 888-577-6690

CDS Administrative Letter Number: Number 32

DATE: December 1, 2011

TO: CDS Directors, CDS Board Chairs, CDS Employees, CDS Employed and Contracted Providers

FROM: James Rier, Deputy Commissioner of Education  
Cindy Husson Brown, Child Development Services State Director-Interim

RE: **Speech Language Services Reimbursable Rates Beginning December 1, 2011**

Under State statute 20-A MRSA §7209(1) “The department shall serve as the lead agency for the statewide system pursuant to 20 United States Code, Section 1435, including the identification and coordination of all available resources within the State for services to eligible children from birth to under 3 years of age, and shall exercise general supervisory authority over child find as provided in 20 United States Code, Section 1412 (a) (3) and the provision of a free, appropriate public education to children at least 3 years of age and under 6 years of age.”

Under Maine Unified Special Education Regulation, Chapter 101, individualized family service plan [IFSP] teams for children birth through age two and individualized education program [IEP] teams for children 3-20 determine eligibility, develop the individual plans, and implement the early intervention or free appropriate public education services that were deemed necessary by the team.

The Individuals with Disabilities Education Act obligates the Maine Department of Education to access any third party payment source, including Maine’s Medicaid program (MaineCare) prior to the use of Maine’s federal allocation of IDEA funds.

In either Part C or Part B, parents must consent to the use of public insurance to pay for services written on the IFSP or IEP, if those services are covered services under the public insurance program, but the right to receive services is never contingent on a parent’s consent to access public insurance.

The Department of Health and Human Services funds medically necessary services in compliance with federal Medicaid law and sets rates using a methodology that complies with Medicaid statute and regulations.

Recent changes to the MaineCare regulations required by the federal government have clarified that MaineCare covers services that are medically necessary, and not services that are educationally necessary.

### Speech and Language Services Rates

Child Development Services contracts with Speech Language & Hearing Agencies and Speech Language Pathologists to conduct evaluations and to provide speech language services under the federal Individuals with Disabilities Education Act (IDEA) and the Maine Unified Special Education Regulations, Chapter 101 (MUSER).

All services ordered on an IFSP/IEP must be compliant with the Rules and Regulations governing Special Education Services under the IDEA and the MUSER.

**Child Development Services (CDS) will reimburse for services that are ordered on an Individualized Family Service Plan (IFSP)/ Individualized Educational Plan (IEP) that are not covered by MaineCare. CDS will continue to reimburse at the rate stated in provider contracts currently in effect between CDS and speech language service providers as written through June 30, 2012.**

**CDS Contracts require that providers agree to accept and bill for services under MaineCare.** To serve children, providers must be enrolled with MaineCare as a provider of speech and language services, and any other services under which they intend to bill. Under IDEA the department is obligated to access any third party payment source, including State Medicaid, before using our federal IDEA funds. **If any of the services on the plan are also potentially eligible for coverage under MaineCare, then with the consent of the parent, MaineCare will be listed as the party to be billed.**

If you have questions regarding rates and CDS services please contact Cindy Husson Brown at [Cindy.Brown@maine.gov](mailto:Cindy.Brown@maine.gov) and/or Janna Gregory at [Janna.Gregory@maine.gov](mailto:Janna.Gregory@maine.gov).

If you need information regarding MaineCare and/or Provider Enrollment contact your Provider Relations Specialist at 624-7539, option 8 or 1-800-321-5557, extension 8 or TTY: (207) 287-1828 or 1-800-606-0215.