



**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 28

DATE: September 1, 2010

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

FROM: David Stockford, Policy Director and Special Services Team Leader  
Debra Hannigan, Child Development Services State Director

RE: Reimbursable Rates Beginning September 1, 2010

Department of Education Obligation to Serve Children under IDEA and Intersection with Medicaid

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. Under IDEA the department is obligated to access any third party payment source, including State Medicaid, before using our federal IDEA funds.

In either Part C or Part B, parents must consent to the use of public insurance to pay for services contained 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.

## MaineCare Obligation to Serve Children

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

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

## Services

As of September 1, 2010, Section 27- Early Intervention was repealed.

All families receiving services under Section 27 were sent a letter from the Office of MaineCare Services in July to inform them of the changes in this MaineCare rule. The letter stated that the children who qualified under this rule would be assessed to determine eligibility for continued services under Section 28.

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 use the MaineCare rates to reimburse for these services.

All services ordered on an IFSP/IEP must be compliant with the Rules and Regulations governing Special Education Services under the Individuals with Disabilities Education Act of 2004 (IDEA 2004) and Maine Unified Special Education Regulation (MUSER).

IFSP/IEP Teams will review all plans to ensure that they contain only services that are appropriate under the IDEA and MUSER. 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.

## Rates

CDS will continue to pay the Section 27 rate for children receiving Specialized Instruction or Specially Designed Instruction ordered by the IFSP/IEP team through June 30, 2011.

Beginning September 1<sup>st</sup>, all other services will be reimbursed at the MaineCare rates.

Services on the IFSP or IEP that are not eligible for coverage under MaineCare have always been and will continue to be paid for by CDS.

The rates can be found at

<http://www.maine.gov/education/speced/cds/documents/MaineCareCodesRateslocked.xls>.

**NOTE: Click on link below to get most recent rates:**

<http://www.maine.gov/education/speced/cds/documents/MaineCareRates120710.xls>

## Contracts

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 for Section 28 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.

CDS contracts have been extended until October 31, 2010. New contracts will be issued November 1, 2010. The extended contract rates can be billed until August 31, 2010 and rates reflected in this letter will begin September 1, 2010. CDS will not do separate rate setting.

If you have questions regarding rates and CDS services please contact Debra Hannigan at [Debra.Hannigan@maine.gov](mailto:Debra.Hannigan@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.