

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Human Services
For HB 1238

Compiled on: Tuesday, March 28, 2023 3:39 PM

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Hearing Date: March 28, 2023 8:00 AM

Doreen Rodriguez

Self

Frisco, TX

Thank you for your time this afternoon and the opportunity to share my support of House Bill 1238.

My name is Doreen Rodriguez and I am a parent of two students who have gone through the Special Education system in Frisco ISD of Region 10. My children have had exceptional services and supports while in Frisco ISD and the trajectory of their adult lives have changed due the care of the teachers and providers in the district.

Texas school districts promise all students Free and Appropriate Public Education and funding that backs that promise. As a parent of students who have received Special Education services, I know how critical it is for Texas districts to receive the funding and reimbursements owed to them for all of the services they provide to students. They give everything to serve and educate our kids.

As an "IEP" parent, I cannot count how many documents I have signed in the 14 years my children have been in school. I need to be fully educated on why I'm signing what I'm signing. The ambiguity in parental consents and why parents have to sign it leaves them uncomfortable not knowing if this will have a financial impact on them.

If parents must sign parental consent a second time and be notified each year, you must involve those in education with more understanding of why a second signature is needed. An Advisory Committee would help bridge this gap so that HHSC could understand the impact to school districts.

Thank you for your time and consideration in this matter.

Heather Brown, Mrs.

self

Frisco, TX

As the parent of a child with an IEP, I have signed hundreds of documents over the years. In the beginning of our school journey, the introduction to special education is frightening, overwhelming and confusing. The more documents that were put in front of me, the more overwhelmed I became. Adding the discussion of medicaid just added to my confusion. I nearly refused to sign until another parent helped me understand my refusal to sign could have kept the school from receiving needed funding.

Now that I am a special education teacher, I face the same glazed looks with parents when this program is brought up. Many parents don't understand how medicaid works and are extremely confused by the process, terrified of losing much needed medicaid services for their child. As a teacher who has gone through this process as a parent, I can better explain what it is and what they are signing but most teachers, diagnosticians and administrators don't understand the program any better than I did when I started the process as a parent.

Texas school districts promise all students FAPE and funding that backs that promise. We need HHSC to ensure medicaid delivers critical funds allowing Texas districts to provide the services to educate students and provide medical and personal care supports. If parents must sign each year, we must involve those in education with more understanding of why a second signature is needed. An Advisory Committee would help bridge this gap so that HHSC could understand the impact to the school districts in providing needed services so that barriers to funding for services can be eliminated and, hopefully avoided altogether.

Thank you for your time.

Emily Blanco
MSB School Services
Leander, TX

My name is Emily Blanco and I am the Chief Strategy Officer for MSB School Services, a third party Medicaid billing company based here in Austin.

MSB serves over 450 school districts in Texas, which is roughly 50% of the districts participating in the Medicaid program known as School Health and Related Services (SHARS). Our interest is in ultimate clarity and compliance with the federal rules and regulations of the SHARS program. The SHARS program is different from other Medicaid programs because it currently lacks a committee with whom we can consistently engage with to help our school districts. A SHARS Advisory Committee would provide ISDs and parents a much needed and deserved voice in what is currently a landscape inhabited solely by HHSC.

The absence of an advisory committee in the midst of the significant increase in policy changes has caused ambiguity. Districts need consistency and clarity so they can participate with confidence. We are expectant that this advisory committee would provide more transparency, allowing all parties involved a stronger chance at compliance.

As you can imagine, when serving over 450 ISDs, MSB has a significant number of school districts that are reaching out for advice regarding SHARS policies, as well as sharing their opinions and obstacles to implementation.

One policy change that recently went into effect required ISDs to increase the amount of Medicaid services being billed for within 12-18 months. Although we appreciate what this improvement in billing will offer as far as accuracy and continued reimbursements, it was not communicated to districts in a timely way. The lack of auditing requirements beforehand put ISDs into a state of unrest. While this program is voluntary for ISDs, many depend on its reimbursement but fear payback scenarios because audit regulations aren't shared by the agencies. A recent study of our clients who are experiencing this fear due to ambiguity showed a potential impact of up to 80% of ISD reimbursement annually, which represents over \$213,000,000.

Another example that this HB is trying to address is the lack of clarity around parental consent requirements. There are multiple revenue streams available in this program: one is interim claiming, which is your traditional documentation of services and receipt of reimbursement and the other is cost report, which is an annual reconciliation based on actual costs expensed. There has been ambiguity in consent requirements in both revenue streams, which has put at risk 30% of the program's reimbursements, the equivalent of \$237,000,000 lost to school districts. When this revenue is lost to ISDs, it is made up by taxpayers.

A SHARS Advisory Committee would provide perspective, ensure operational clarity, and elicit stakeholder buy-in that will allow these unencumbered federal dollars, that require no state or local match, to continue to flow to the state of Texas, which on average brings in \$790,000,000 annually to ISDs.

Lee Spiller
Citizens Commission on Human Rights-Texas
Austin, TX

We are concerned about any blanket consent for the sharing student data among such a broad set of agencies. The Federal Education Rights and Privacy Act allows records to be shared, without parental consent with a number of parties including a "school official with a legitimate educational interest." These can include:

Teachers, school counselors, diagnosticians, and support staff (including district health or medical staff);

A person or company with whom the district has contracted or allowed to provide a specific institutional service or function (such as an attorney, consultant, third-party vendor that offers online programs or software, auditor, medical consultant, therapist, school resource officer, or volunteer)

Given that the Health and Human Services Commission encompasses many agencies, including Child Protective Services, we believe this legislation could interfere with parents' rights to control the flow of data about their families and their children.

Susan Burek

I am a parent and an advocate for people with disabilities

Austin, TX

I SUPPORT HB 1238, which creates an advisory council regarding the School Health and Related Services Program (SHARS). Thank you for including 2 parents of students on Medicaid and 1 member of an advocacy group for children with special needs on the council.

However, there have been many problems in the past with SHARS billing fraud, which has affected students with Medicaid and their families, especially when students with Medicaid also have private insurance. For students with dual coverage, the SHARS program bills both private insurance and Medicaid, because Medicaid is the payer of last resort. Since the parents don't get an Explanations of Benefits for SHARS billings, they don't even know what is being billed until they get a letter from their insurance saying that their child has met their limit for therapy and is not eligible for additional therapy. This has been a problem for a number of medically fragile students.

Please amend the legislation to ensure that at least one of the parents appointed to the council should have both private insurance and Medicaid.

Thank you very much for your consideration of my comments.