

June 1, 2009

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
Centers for Medicare & Medicaid Services
Attention: CMS-2287-P2
Mail Stop C4-26-05
7500 Security Boulevard
Baltimore, MD 21244-1850



*Excellence and Equity
in Public Education
through School Board
Leadership*

**RE: *Comments on Proposed Rule CMS-2287-P2 – Medicaid Program:
Rescission of School-Based Services Final Rule, Outpatient Services
Definition Final Rule, and Partial Rescission of Case Management
Services Interim Final Rule***

Office of Advocacy

- *C.H. “Sonny” Savoie
President*
- *Anne L. Bryant
Executive Director*
- *Michael A. Resnick
Associate
Executive Director*

Dear Secretary Sebelius:

On behalf of the 95,000 local school board members who represent more than 49 million public school students across the nation through our state school boards associations, the National School Boards Association (NSBA) is writing to convey its strong support for the Centers for Medicare and Medicaid Services (CMS) proposed rescission of Final Rule 2287. NSBA specifically supports the CMS proposals to revise 42 CFR Parts §431.53 (a), §433.20 and §440.170(a) regarding reimbursement for related administrative and transportation expenses for student healthcare services.

Without such rescission, the rule would eliminate reimbursement for legitimate school expenditures under Medicaid, thereby shifting a significant fiscal encumbrance to local school districts and states of more than \$3.6 billion over the first five years. The imposition of CMS-2287-P would come at a time when a growing number of states and local governments are grappling with record budget cuts to education amid falling revenues and growing demands for healthcare services under the Medicaid program because of the economic recession.

CMS' proposed rescission of Rule 2287 will help ensure continued healthcare services for our most vulnerable children. From early screening and diagnostic services to preventive care and treatment, our school districts are critical to helping agencies identify Medicaid-eligible children and connect them to needed healthcare services in schools and their communities. School district services for interagency coordination with healthcare providers, the application process for families, transportation, and related functions are necessary for effective school-based outreach and Medicaid enrollment.

Further, without the proposed rescission of the two Medicaid regulations, school-based and outpatient health services provided to children with disabilities in schools through Medicaid would be significantly impacted and even disrupted in some cases. The loss of these funds would force districts to scale back their special education and special services personnel (such as school nurses and social workers), increasing the specialist-per-pupil ratio. As a result, school personnel would not be available to link children with community medical and health clinics in their area through case referrals. In addition, services identified in a child's Individual Education Plan (IEP)—such as

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occupation and speech therapies, behavioral modification, counseling, mental care, and clinic or hospital-based services—could be affected.

Since Rule 2287 was issued in December 2007, local school board members have urged CMS to reconsider the promulgation and rescind the rule. NSBA strongly supports the CMS proposal published in the *Federal Register* on May 6, 2009. This proposed rescission represents a reaffirmation of the federal commitment to invest in school-based healthcare services that address the needs of our most vulnerable children and help school districts support student achievement.

Thank you for this opportunity to comment on proposed rule CMS-2287-P2. Please contact Deborah Rigsby, director, federal legislation at (703) 838-6208 or drigsby@nsba.org, if further information is needed.

Sincerely,



Michael A. Resnick
Associate Executive Director

MAR: dr/kc
G:Adv/Medicaid/06.01.09MedicaidComments