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State of California—Health and Human Services Agency
Department of Health Care Services
LEA Medi-Cal Billing Option Program
Frequently Asked Questions (FAQs)



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Parental Consent and Patient Confidentiality

****PLEASE REVIEW THE LEA MEDI-CAL BILLING OPTION PROVIDER MANUAL FOR COMPLETE LEA PROGRAM AND POLICY INFORMATION****

Q1. Are there any guidelines available on patient confidentiality?

- A. Yes. All medical records under this program are confidential and cannot be released without the written consent of the beneficiary or his/her personal representative. According to State Medi-Cal regulations, information can be shared or released between individuals or institutions providing care, fiscal intermediaries, and State or local official agencies. However, the Family Educational Rights and Privacy Act (FERPA) require that schools obtain written consent from the parent or guardian prior to releasing any medical information in personally identifiable form from the student's education record. Additional information is located in the [loc ed](#) section in the LEA Provider Manual.

Q2. What are the new requirements of parental consent given the changes to IDEA, and how is the issue of parental consent for billing handled?

- A. On February 14, 2013, the Department published in the Federal Register IDEA Part B final regulations that change the requirements in 34 CFR 300.154(d) related to parental consent to access public benefits (e.g., Medicaid). These final regulations require that public agencies:
- obtain a **one-time written consent** from the parent, after providing the written notification described below, *before* accessing the child's or the parent's public benefits or insurance for the first time
 - provide **written notification** to the child's parents *before* accessing the child's or the parent's public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter
- ❖ Note that one-time written consent is required per deliverable service.

Q3. Must a parent/guardian sign an IEP prior to the LEA providing treatment services?

- A. Yes. Parents must provide informed, written consent before their child is assessed or provided with any special education services. Parental consent must also be provided before any change in special education services may occur. The district must ensure that parents understand proceedings of the IEP team meeting including arranging for an interpreter for parents with deafness or those whose native language is other than English. Please visit the [Parent's Rights](#) section on the [California Department of Education website](#).

Q4. Is the LEA required to provide the student's parent/guardian with a copy IEP/IFSP?

A. Yes. According to title 34 CFR 300.322, the public agency must give the parent a copy of the child's IEP at no cost to the parent.

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