

March 20, 2008

The Honorable John Dingell  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20510

The Honorable Tim Murphy  
U.S. House of Representatives  
Washington, D.C. 20510

Dear Chairman Dingell and Representative Murphy:

On behalf of the Exceptional Children Have Opportunities (ECHO) Joint Agreement, a special education cooperative providing instructional programming and services to children with disabilities, ages three to twenty-two years, I write in support of the "Protecting the Medicaid Safety Net Act of 2008" (H.R. 5613). This letter represent the voices of the ECHO Board of Directors, which is comprised of seventeen (17) member School District Superintendents, who strongly support this legislation that would place a temporary one-year moratorium on seven questionable Medicaid regulations that would make significant cuts to the Medicaid program, including school-based Medicaid services, over the next five years.

ECHO believes that the harmful regulations recently imposed by the Centers for Medicare and Medicaid Services (CMS) will shift billions of dollars in costs to states and school districts, imposing a major fiscal blow and harm to our most vulnerable citizens—children, people with disabilities and children in foster care. If imposed, states will likely cut critical services such as specialized medical transportation to school for children with disabilities, case management services and rehabilitation services for the disabled. Specifically, the school based administration/transportation rule will have a devastating impact on all Medicaid eligible children with disabilities who receive special education services. The rule prohibits Medicaid payments for administrative activities including outreach, enrollment and support in gaining access to Medicaid's Early, Periodic, Screening, Diagnosis and Treatment (EPSDT) benefits services performed by schools. The rule will also prohibit transportation services for school-age students with disabilities to receive allied health related services at school (e.g. physical therapy, occupational therapy, speech therapy, social work and nursing services). In addition, these Medicaid program cuts come at a time when most states and school districts are already experiencing significant budget shortfalls and cannot afford to absorb these cuts without significant cost shifts. As a result, these regulations will have a devastating impact on students with disabilities and their families; as well as on all Medicaid beneficiaries and providers.

In closing, ECHO applauds your leadership in introducing this critical legislation. We are in unanimous support of a moratorium on all of the Medicaid regulations and stand ready to work with you and your staff to secure its passage. Thank you in advance for considering our views.

Sincerely,

Dennice Ward-Epstein, Ed.D.  
Executive Director  
ECHO Joint Agreement