

HOUSE No. 3879

The Commonwealth of Massachusetts

PRESENTED BY:

Denise C. Garlick

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the reimbursement of school-based care.

PETITION OF:

NAME:

Denise C. Garlick

DISTRICT/ADDRESS:

13th Norfolk

HOUSE No. 3879

By Ms. Garlick of Needham, a petition (subject to Joint Rule 12) of Denise C. Garlick relative to MassHealth reimbursements to local educational authorities. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the reimbursement of school-based care.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, the Centers for Medicare & Medicaid Services allows Medicaid reimbursement
2 for health care services provided to school-age children by and through local education
3 authorities and their employees and agents regardless of whether those services are provided free
4 of charge to other children who are not eligible for Medicaid coverage; and in order to improve
5 the health and well-being of school-age children, who are among the most vulnerable
6 populations in the Commonwealth, by promoting access to vital health care services in a safe
7 environment.

8 Be it enacted by the Senate and House of Representatives in General Court assembled,
9 and by the authority of the same, as follows:

10 Section 9A of Chapter 118E of the General Laws is hereby amended by adding the
11 following language to Paragraph (1):

12 “Individualized education program” means a written statement, developed and approved
13 in accordance with federal special education law in a form established by the Department of
14 Elementary and Secondary Education of the Commonwealth that identifies a student's special
15 education needs and describes the services a local education authority shall provide to meet those
16 needs.

17 “Local education authority” means any city, town, charter school, public health
18 commission, or school district.

19 “School-age child” means any person of ages three through twenty-one who has not
20 attained a high school diploma or its equivalent.

21 Section 9A of Chapter 118E of the General Laws is hereby amended by adding the
22 following paragraphs:

23 (17) The Executive Office of Health and Human Services together with the Secretary of
24 the Executive Office of Education shall ensure that each local education authority enrolled with
25 the division as a MassHealth provider shall implement a plan to obtain MassHealth
26 reimbursement of medical benefits provided to any school-age child who is an eligible
27 beneficiary of MassHealth in accordance with this chapter, Title XIX and Title XXI as
28 appropriate.

29 (18) Notwithstanding any other law or regulation to the contrary, any local education
30 authority enrolled with the division as a MassHealth provider of medical benefits shall be
31 entitled to seek reimbursement for providing, through its employees or agents, such medical
32 benefits to any school-age child who is an eligible beneficiary. Any medical benefits provided by
33 a local education authority to a school-age child who is an eligible beneficiary under this chapter

34 shall be reimbursable by MassHealth regardless of whether said school-age child participates in
35 an individualized education program or whether medical benefits are provided at no charge to
36 any school-age child who is not an eligible beneficiary. Any local education authority claiming
37 reimbursement pursuant to this paragraph shall first take all reasonable measures to ascertain and
38 pursue any claims for reimbursement of the medical benefits provided to a school-age child
39 against legally liable third parties in accordance with Section 1902(a)(25) of the federal Social
40 Security Act.

41 (19) A local education authority which obtains MassHealth reimbursement for providing
42 medical benefits to a school-age child under this chapter shall maintain the proceeds of such
43 reimbursement to fund a program or programs of medical and nursing care at any school facility
44 or school system which it operates or over which it has direct supervision or jurisdiction. Said
45 proceeds shall be used for such purposes including, without limitation, the employment and/or
46 contracting of medical and nursing personnel.