

HOUSE No. 597

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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/18/2021</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/22/2021</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>2/24/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/26/2021</i>

HOUSE No. 597

By Ms. Garlick of Needham, a petition (accompanied by bill, House, No. 597) of Denise C. Garlick and others relative to MassHealth reimbursements to local educational authorities. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 465 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 SECTION 1. Section 9A of chapter 118E of the General Laws is hereby amended by
2 adding in subsection (1), after line 34, the following definitions:-

3 “Administrative activities,” those activities as defined in the local education authority’s
4 provider contract with MassHealth, and shall include Medicaid outreach services, facilitation or
5 assistance in the MassHealth application process, assistance in coordination and delivery of
6 MassHealth covered services, individual care planning, monitoring, coordination and referrals of
7 MassHealth covered services, and assistance in obtaining MassHealth-covered transportation or
8 translation services that are related to MassHealth covered services.

9 “Local education authority,” any city, town, charter school, public health commission, or
10 school district.

11 “Direct nursing services,” skilled nursing services as defined in the local educational
12 authority’s provider contract with MassHealth, and shall include mandated grade-level physical,
13 mental, and behavioral health screening, and nursing treatment/services.

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

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

21 SECTION 2. Section 9A of said chapter 118E is hereby further amended by adding, after
22 subsection (16), the following subsections:

23 (17) The Executive Office of Health and Human Services together with the Executive
24 Office of Education shall ensure that each local education authority enrolled with the division as
25 a MassHealth provider shall implement a plan to obtain MassHealth reimbursement of direct
26 nursing services, administrative activities and any other medical benefits provided by such local
27 education authority to any school-age child who is an eligible beneficiary of MassHealth in
28 accordance with this chapter, Title XIX and Title XXI as 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 direct nursing services,
31 administrative activities and any other medical benefits shall be entitled to submit claims to
32 MassHealth for reimbursement for providing, by and through its employees or agents, such
33 services and medical benefits to any school-age child who is an eligible beneficiary. Any direct
34 nursing services, administrative activities or other medical benefits provided by a local education
35 authority to a school-age child who is an eligible beneficiary under this chapter shall be
36 reimbursable by MassHealth regardless of whether said school-age child participates in an
37 individualized education program, an individual health care plan, or a plan under Section 504 of
38 the Rehabilitation Act of 1973, or whether said direct nursing services, administrative activities
39 or other medical benefits are provided at no charge to any school-age child who is not an eligible
40 beneficiary. Any local education authority claiming reimbursement pursuant to this paragraph
41 shall first take all reasonable measures to ascertain and pursue any claims for reimbursement for
42 the direct nursing services, administrative activities and any other medical benefits provided to a
43 school-age child against legally liable third parties in accordance with Section 1902(a)(25) of the
44 federal Social Security Act.

45 (19) A nurse employed or contracted by a local education authority enrolled with the
46 division as a MassHealth provider may submit claims for reimbursement for providing direct
47 nursing care services, administrative activities or any other medical benefits to a school-age child
48 under this chapter, provided that the nurse assigns such claims for reimbursement to the local
49 education authority to the extent required by law.

50 (20) A local education authority which obtains MassHealth reimbursement for providing
51 direct nursing care services, administrative activities or any other medical benefits to a school-

52 age child under this chapter, by and through its employees and agents, shall maintain the
53 proceeds of such reimbursement to fund a program or programs of direct nursing care services
54 and related administrative activities at any school facility or school system which it operates or
55 over which it has direct supervision or jurisdiction. Said proceeds shall be used for such purposes
56 including, without limitation, School Health Services Programming, which may include
57 behavioral health assessment, case management, health education, social emotional learning and
58 health support, and other related school health services.