SENATE DOCKET, NO. 1723 FILED ON: 2/18/2021

SENATE . . . . . No. 809

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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 MassHealth provider reimbursement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Susan L. Moran	*Plymouth and Barnstable*	
Michael O. Moore	*Second Worcester*	*3/9/2021*

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SENATE . . . . . No. 809

By Ms. Moran, a petition (accompanied by bill, Senate, No. 809) of Susan L. Moran, Michael O. Moore and James B. Eldridge for legislation relative to MassHealth provider reimbursement. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *676* OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to MassHealth provider reimbursement.

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

SECTION 1. Section 9A of Chapter 118E of the General Laws, as appearing the 2016 Official Edition, is hereby amended by adding in subsection (1), the following definitions:

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

"Local education authority," any city, town, charter school, public health commission, or school district.

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

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

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

SECTION 2. Said section is hereby amended by adding, after subsection (16), the following subsections:-

(17) The Executive Office of Health and Human Services together with the Executive Office of Education shall ensure that each local education authority enrolled with the division as a MassHealth provider shall implement a plan to obtain MassHealth reimbursement of direct nursing services, administrative activities and any other medical benefits provided by such local education authority to any school-age child who is an eligible beneficiary of MassHealth in accordance with this chapter, Title XIX and Title XXI as appropriate.

(18) Notwithstanding any other law or regulation to the contrary, any local education authority enrolled with the division as a MassHealth provider of direct nursing services, administrative activities and any other medical benefits shall be entitled to submit claims to MassHealth for reimbursement for providing, by and through its employees or agents, such services and medical benefits to any school-age child who is an eligible beneficiary. Any direct nursing services, administrative activities or other medical benefits provided by a local education authority to a school-age child who is an eligible beneficiary under this chapter shall be reimbursable by MassHealth regardless of whether said school-age child participates in an individualized education program, an individual health care plan, or a plan under Section 504 of the Rehabilitation Act of 1973, or whether said direct nursing services, administrative activities or other medical benefits are provided at no charge to any school-age child who is not an eligible beneficiary. Any local education authority claiming reimbursement pursuant to this paragraph shall first take all reasonable measures to ascertain and pursue any claims for reimbursement for the direct nursing services, administrative activities and any other medical benefits provided to a school-age child against legally liable third parties in accordance with Section 1902(a)(25) of the federal Social Security Act.

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

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

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