SENATE DOCKET, NO. 1871 FILED ON: 1/20/2023

# SENATE . . . . . No. 794

## 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 reimbursement for schools.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|---|---|---|
| *Susan L. Moran* | *Plymouth and Barnstable* | |
| *Mathew J. Muratore* | *1st Plymouth* | *2/2/2023* |
| *Michael O. Moore* | *Second Worcester* | *2/15/2023* |
| *David Paul Linsky* | *5th Middlesex* | *3/6/2023* |
| *Natalie M. Higgins* | *4th Worcester* | *3/29/2023* |
| *John J. Cronin* | *Worcester and Middlesex* | *1/3/2024* |
| *Susannah M. Whipps* | *2nd Franklin* | *3/11/2024* |

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# SENATE . . . . . No. 794

By Ms. Moran, a petition (accompanied by bill, Senate, No. 794) of Susan L. Moran, Mathew J. Muratore, Michael O. Moore and David Paul Linsky for legislation relative to MassHealth reimbursement for schools. Health Care Financing.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court**
**(2023-2024)**

An Act relative to MassHealth reimbursement for schools.

*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 72 of chapter 44 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking, in line 8, the words “local government entity” inserting in place thereof the following:- “local educational authority.”

SECTION 2. Said section 72 of chapter 44 of the General Laws, as so appearing, is hereby further amended by striking, in line 10, the words “local government entity” inserting in place thereof the following:- “local educational authority.”

SECTION 3. Said section 72 of chapter 44 of the General Laws, as so appearing, is hereby further amended by striking, in line 13, the words “local government entity” inserting in place thereof the following; “local educational authority.”

SECTION 4. Said section 72 of chapter 44 of the General Laws, as so appearing, is hereby further amended by striking the words “Any funds received by a local government entity pursuant to the provisions of this section shall be considered unrestricted revenue of the local

government entity and may be spent in accordance with any general or special law governing the expenditure of the entity's revenues." and inserting in place thereof the following:- "A local educational agency which obtains MassHealth reimbursement for providing school-based 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 school-based 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 should not supplant existing or planned school health funding."

SECTION 5. Chapter 71 of the General Laws is hereby amended by inserting after Section 98 the following section:-

Section 99. (a) For the purposes of this section, the following words shall have the following meanings:

"Administrative activities", those activities as defined in the local educational agency's provider contract with MassHealth.

"Local educational agency", any city, town, charter school, public health commission, or school district.

"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 educational agency 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.

"School-based Medicaid provider", any local educational agency that provides School Based Services to Members and performs administrative activities on behalf of the executive office of health and human services pursuant to their provider contract with MassHealth.

"School-based services", any medically necessary MassHealth covered services, as delineated in the Medicaid State Plan, which are provided to a member by a school-based Medicaid provider.

"School personnel", a School-Based Medicaid Provider's salaried and/or contract staff operating under a contractual agreement with the School-Based Medicaid Provider. School Personnel include, but are not limited to, nurses, therapists, special education administrators, psychologists, social workers, school counselors, and clerical support.

(b) The executive office of health and human services together with the executive office of education shall ensure that each local educational agency enrolled with the division as a MassHealth provider shall implement a plan to obtain MassHealth reimbursement of school-based services, administrative activities and any other medical benefits provided by such local educational agency to any school-age child who is an eligible beneficiary of MassHealth in accordance with this chapter, Title XIX and Title XXI as appropriate.

(c) Notwithstanding any other law or regulation to the contrary, any local educational agency enrolled with the division as a MassHealth provider of school-based 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 school-based services, administrative activities or other medical benefits provided by a local educational agency 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 school-based services, administrative activities or other medical benefits are provided at no charge to any school-age child who is not an eligible beneficiary.

(d) A local educational agency which obtains MassHealth reimbursement for providing school-based 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 school-based 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 should not supplant existing or planned school health funding, and shall be used for such purposes including, without limitation, school-based services and other school health programming, which may include enhanced capacity to provide comprehensive behavioral health support, case management, health education, social emotional learning and health support, outreach and enrollment, school health infrastructure development, and other related school health services.