

HOUSE No. 4645

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 11, 2022.

The committee on Education to whom was referred the petition (accompanied by bill, House, No. 597) of Denise C. Garlick and others relative to MassHealth reimbursements to local educational authorities, and the petition (accompanied by bill, House, No. 669) of Mathew J. Muratore and others relative to MassHealth reimbursements to local educational authorities, reports recommending that the accompanying bill (House, No. 4645) ought to pass.

For the committee,

ALICE HANLON PEISCH.

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**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. (a) Notwithstanding any general or special law to the contrary, the
2 executive office of health and human services shall establish a MassHealth reimbursement of
3 school-based care task force to study and make recommendations with respect to direct
4 MassHealth reimbursement to local education agencies for direct nursing services, administrative
5 activities, and any other medical benefits provided by such local education authority to any
6 school-age child who is an eligible beneficiary of MassHealth in accordance with chapter 118E
7 of the General Laws, Title XIX, and Title XXI, as appropriate.

8 (b) The task force shall consist of: the secretary of the executive office of health and
9 human services, or a designee, who shall serve as co-chair; the secretary of the executive office
10 of education, or a designee, who shall serve as co-chair; a representative from the division of
11 local services; 3 persons to be appointed by the secretary of the executive office of health and
12 human services who shall have knowledge of school-based care; and 3 persons to be appointed
13 by the secretary of the executive office of education who shall have knowledge of municipal and
14 educational finance.

15 The task force shall also consist of 2 members of the senate to be appointed by the
16 president of the senate and 1 member of the senate to be appointed by the minority leader of the
17 senate, 2 members of the house of representatives to be appointed by the speaker of the house
18 and 1 member of the house of representatives to be appointed by the minority leader of the house
19 of representatives

20 (c) The task force shall: (1) determine the number of local education agencies enrolled
21 with the division of medical assistance as MassHealth providers; (2) analyze the extent to which
22 said local education agencies utilize MassHealth reimbursement of direct nursing services,
23 administrative activities and any other medical benefits provided by such local education
24 authority to any school-age child who is an eligible beneficiary of MassHealth; (3) investigate
25 any impediments to seeking MassHealth reimbursement for said services, including but not
26 limited to student eligibility; and (4) analyze common state and federal reimbursements and
27 other sources of revenue for educational or other school-based services, and the extent to which
28 said reimbursements and sources of revenue are allocated directly to the municipality versus the
29 local educational agency.

30 (d) The task force shall submit its findings, recommendations, and any determinations
31 regarding necessary legislation to the governor and the clerks of the house of representatives and
32 the senate not later than July 31, 2023.

33 (e) For the purposes of this act, the following terms shall have the following meanings:

34 “Administrative activities,” those activities as defined in the local education authority’s
35 provider contract with MassHealth, and shall include Medicaid outreach services, facilitation or
36 assistance in the MassHealth application process, assistance in coordination and delivery of

37 MassHealth covered services, individual care planning, monitoring, coordination and referrals of
38 MassHealth covered services, and assistance in obtaining MassHealth-covered transportation or
39 translation services that are related to MassHealth covered services.

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

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

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

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