

HOUSE No. 465

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:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>

<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>

<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>

HOUSE No. 465

By Ms. Garlick of Needham, a petition (accompanied by bill, House, No. 465) of Denise C. Garlick and others relative to MassHealth reimbursements to local educational authorities. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3879 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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.

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

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

10

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

13

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

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

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

24 SECTION 2.

25 Section 9A of Chapter 118E of the General Laws is hereby amended by adding, after
26 subsection (16), the following subsections:

27 (17) The Executive Office of Health and Human Services together with the Executive
28 Office of Education shall ensure that each local education authority enrolled with the division as
29 a MassHealth provider shall implement a plan to obtain MassHealth reimbursement of direct
30 nursing services, administrative activities and any other medical benefits provided by such local

31 education authority to any school-age child who is an eligible beneficiary of MassHealth in
32 accordance with this chapter, Title XIX and Title XXI as appropriate.

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

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

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