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

Kimberly N. Ferguson Michael J. Finn Gih Hampden William C. Galvin Sean Garballey Carmine Lawrence Gentile 13th Middlesex Carlos Gonzalez 10th Hampden Kenneth I. Gordon 21st Middlesex Carlos Gonzalez 10th Hampden Kenneth I. Gorweia 14th Middlesex Patricia A. Haddad 5th Bristol James K. Hawkins 2nd Bristol Stephan Hay 3rd Worcester Natalie M. Higgins 4th Worcester Watel Hogan 3rd Middlesex Lawe Hogan 3rd Middlesex James M. Kelcourse Kay Khan Lith Middlesex Lawe Hogan John J. Lawn, Jr. 10th Middlesex John J. Lawn, Jr. 10th Middlesex John J. Mahoney 13th Worcester Paul W. Mark Christopher M. Markey Joseph W. McGonagle, Jr. 28th Middlesex Paul McMurtry 11th Norfolk Christina A. Minicucci 14th Essex Mathen M. Muratore John J. Maynon 17th Essex Mathen J. Muratore 1st Plymouth James M. Muratore 1st Plymouth Jonesser Provost 27th Middlesex John J. Hampden John J. Rogers 12th Norfolk Denise Provost 27th Middlesex John J. Rogers 12th Norfolk Daniel J. Ryan 2nd Suffolk Jon Santiago 9th Suffolk Thomas M. Stanley Joh F. Toxado 9th Hampden Paul F. Tucker	Nika C. Elugardo	15th Suffolk		
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Paul F. Tucker 7th Essex	José F. Tosado	9th Hampden		
	Paul F. Tucker	7th Essex		
Steven Ultrino 33rd Middlesex	Steven Ultrino	33rd Middlesex		

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

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 Alassachusetts

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.

	"Local education authority," an	ny 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.

Section 9A of Chapter 118E of the General Laws 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.

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(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 schoolage 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.