

ORIGINAL SENATE
FILE NO. SF0079

ENROLLED ACT NO. 20, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to school finance; authorizing school districts to bill for school based services for Medicaid eligible students as specified; providing reimbursement to school districts for administrative costs; providing appropriations; authorizing a position; requiring reports; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 21-13-321(b) and by creating new subsections (h) and (j) and 42-4-103(a) by creating new paragraphs (xxxiv) through (xxxvi) are amended to read:

21-13-321. Special education; amount within foundation program formula for special education programs and services; district reporting requirements; billing for Medicaid authorized school based services.

(b) The amount provided for special education within the education resource block grant model pursuant to W.S. 21-13-309(m)(v)(E)(II) shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services, which shall include the amount actually expended by the district during the previous school year for reasonable administrative costs to bill for authorized Medicaid services under subsection (h) of this section. The statewide total amount reimbursed under this section in school year 2019-2020 or 2020-2021 shall not exceed the statewide total amount reimbursed under this section in school year 2018-2019, notwithstanding any additional appropriation for that purpose by the legislature.

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(h) Beginning July 1, 2022, each school district with Medicaid eligible students receiving special education programs and services, as calculated by the department of education pursuant to subsection (j) of this section, may bill the department of health for the costs of any special education program and service covered under W.S. 42-4-103(a)(xxxiv) through (xxxvi) provided to the district's students. The department of health shall provide payment to each eligible school district that has billed the department of health as soon as reasonably practical for the costs of approved services. By September 1 of each school year, each school district shall remit to the department of education all funds received during the prior school year from the department of health for billed services. The department of education shall remit all funds received under this subsection to the state treasurer for deposit in the school foundation program account.

(j) A school district may report the number of Medicaid eligible students receiving special education programs and services enrolled within the school district on forms and in such manner required by the department for the 2021-2022 school year. Beginning with the 2022-2023 school year and each school year thereafter, a school district shall report the number of Medicaid eligible students receiving special education programs and services enrolled within the school district on forms and in the manner required by the department. The number of Medicaid eligible students receiving special education programs and services for a school year shall be determined by the department of education using data from October 1 of the immediately preceding school year.

42-4-103. Authorized services and supplies.

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(a) Services and supplies authorized for medical assistance under this chapter include:

(xxxiv) The professional services of a school psychologist;

(xxxv) The professional services of a school social worker;

(xxxvi) School based services delivered pursuant to an individualized education program, including services:

(A) Provided by an otherwise enrolled Medicaid provider type;

(B) Provided by a licensed professional in a school setting; or

(C) Otherwise covered under this chapter to support delivery of special education programs and services.

Section 2. The director of the department of health, with the consent of the governor, shall negotiate with the United States department of health and human services regarding necessary amendments to the state Medicaid plan, or any necessary waiver under 42 U.S.C. § 1315, to provide the services specified under W.S. 42-4-103(a)(xxxiv) through (xxxvi), as created by this act. Any state Medicaid plan amendments or waiver under this subsection shall be effective July 1, 2022 or upon state plan or waiver approval from the Centers for Medicare and Medicaid Services, whichever is later.

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Section 3. The department of health is authorized one (1) full-time position for the purposes of this act. There is appropriated one hundred forty-two thousand six hundred twenty-two dollars (\$142,622.00) from the school foundation program account to the department of health. Additionally, there is appropriated one hundred forty-two thousand six hundred twenty-two dollars (\$142,622.00) from federal funds to the department of health. These appropriations shall be used only for the purposes of implementing this act. Not more than one hundred eighty-seven thousand five hundred eighty-four dollars (\$187,584.00) of the appropriations made under this section shall be expended for contract services to implement this act. Not more than ninety-seven thousand six hundred sixty dollars (\$97,660.00) of the appropriations made under this section shall be expended for salary and benefits. These appropriations shall be for the period beginning on the effective date of this section and ending June 30, 2022. These appropriations shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from these appropriations shall revert as provided by law on June 30, 2022.

Section 4. The department of health and the department of education shall report on implementation of Medicaid billing for school based services as provided for by this act. Reports on implementation required by this section shall include information on relevant action taken by school districts, relevant action taken by the department of health and the department of education and any approvals received from the federal government for plan amendments or waivers to the state Medicaid plan. The departments shall evaluate impediments to implementation and determine necessary or recommended improvements to the program and any required additional funding. Findings shall

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be submitted in two (2) written reports to the joint education interim committee, the joint labor, health and social services interim committee and the joint appropriations committee, one (1) report to be submitted not later than October 1, 2021 and the other report to be submitted not later than October 1, 2022.

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Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(b) Sections 2 through 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk