

HOUSE No. 1194

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 resolve:

Resolve relative to the reimbursement of school-based care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/19/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/2/2023</i>

HOUSE No. 1194

By Representative Garlick of Needham, a petition (accompanied by resolve, House, No. 1194) of Denise C. Garlick and Mathew J. Muratore for the establishment by the Executive Office of Health and Human Services of a MassHealth reimbursement of school-based care task force to study and make recommendations of direct MassHealth reimbursements to local education authorities for certain school-based services. Health Care Financing.

The Commonwealth of Massachusetts

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

Resolve relative to the reimbursement of school-based care.

1 **Resolved**, (a) For the purposes of this resolve, the following terms shall have the
2 following meanings:

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

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

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

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

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

21 (b) Notwithstanding any general or special law to the contrary, the executive office of
22 health and human services shall establish a MassHealth reimbursement of school-based care task
23 force to study and make recommendations with respect to direct MassHealth reimbursement to
24 local education authorities for school-based services, administrative activities, and any other
25 medical benefits provided by such local education authority to any school-age child who is an
26 eligible beneficiary of MassHealth in accordance with chapter 118E of the General Laws, Title
27 XIX, and Title XXI, as appropriate.

28 (c) The task force shall consist of: the secretary of the executive office of health and
29 human services, or a designee, who shall serve as co-chair; the secretary of the executive office
30 of education, or a designee, who shall serve as co-chair; a representative from the division of
31 local services; 1 representative from each of the following organizations that represent direct
32 care providers within the educational setting: Massachusetts School Nurse Organization,

33 Massachusetts Association of Occupational Therapists, American Physical Therapy Association
34 of Massachusetts, Massachusetts Speech-Language Hearing Association, Massachusetts School
35 Counselors Association, Massachusetts Mental Health Consortium, and the Massachusetts
36 School Psychologists Association; 1 representative from the Massachusetts Association of
37 School Superintendents; 1 representative from the Massachusetts Association of School
38 Committees; and 1 representative from the Massachusetts Municipal Association.

39 The task force shall also consist of 2 members of the senate to be appointed by the
40 president of the senate and 1 member of the senate to be appointed by the minority leader of the
41 senate, 2 members of the house of representatives to be appointed by the speaker of the house
42 and 1 member of the house of representatives to be appointed by the minority leader of the house
43 of representatives

44 (d) The task force shall: (1) determine the number of local education authorities enrolled
45 with the division of medical assistance as MassHealth; (2) analyze the extent to which said local
46 education authorities utilize MassHealth reimbursement of school-based services, administrative
47 activities and any other medical benefits provided by such local education authority to any
48 school-age child who is an eligible beneficiary of MassHealth; (3) investigate any impediments
49 to seeking MassHealth reimbursement for said services, including but not limited to student
50 eligibility; and (4) analyze common state and federal reimbursements and other sources of
51 revenue for educational or other school-based services, and the extent to which said
52 reimbursements and sources of revenue are allocated directly to the municipality versus the local
53 education authority.

54 (e) All appointments to the task force shall be made not later than 30 days after the
55 effective date of this resolve.

56 (f) The task force shall submit its findings, recommendations, and any determinations
57 regarding necessary legislation and regulations to the clerks of the senate and the house of
58 representatives, the joint committee on education, the joint committee on health care financing,
59 and the senate and house committees on ways and means not later than January 1, 2024. The
60 secretary of health and human services shall make the report publicly available on the website of
61 the executive office of health and human services.