

2023 -- H 5010 AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE -- THE PROMOTING
ACCESS TO INCREASED MENTAL HEALTH SERVICES FOR ALL STUDENTS ACT

Introduced By: Representatives McNamara, Shallcross Smith, Fenton-Fung, Noret, and
Donovan

Date Introduced: January 06, 2023

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-8-18 of the General Laws in Chapter 40-8 entitled "Medical
2 Assistance" is hereby amended to read as follows:

3 **40-8-18. Local education agencies as EPSDT providers.**

4 (a) It is the intent of this section to provide reimbursement for early and periodic screening,
5 diagnosis and treatment (EPSDT) services through local education agencies for children who are
6 eligible for medical assistance. A local education agency's participation as an EPSDT provider is
7 voluntary. Further, it is the intent that collaboration among the department of human services
8 (DHS), the department of elementary and secondary education, and local education agencies
9 (LEAs) will result in state and local funds being used to maximize federal funding for such EPSDT
10 services.

11 (b) The services available to eligible children under Title XIX of the Social Security Act,
12 42 U.S.C. § 1396 et seq., for early and periodic screening, diagnosis, and treatment (EPSDT) may
13 be provided by local education agencies.

14 (c)(1) Voluntary participation as an EPSDT provider shall require the local education
15 agency to provide the state match to obtain federal financial participation for EPSDT services and
16 associated administrative costs by certifying to the department of human services that sufficient
17 qualifying local funds (local certified match) have been expended for the services and
18 administrative costs; provided, however, that a local education agency shall not be required to

1 provide local certified match for those EPSDT services for which the department of human
2 services, or another state agency, agrees to provide the state match to obtain federal financial
3 participation for EPSDT services.

4 (2) The local certified match shall be established in the local education agency pursuant to
5 federal Title XIX provisions. Failure of the local education agency to provide the local match shall
6 result in the penalties described in subsection (f).

7 (3) The department of human services shall pay the local education agency from the federal
8 matching funds for EPSDT services pursuant to fee schedules established by rules and regulations
9 of the department of human services, and for associated administrative costs pursuant to
10 administrative cost reimbursement methodologies to be approved by the federal government, upon
11 certification of the local match by the local education agency in accordance with federal Title XIX
12 provisions. Payments made to the local education agency pursuant to this section shall be used
13 solely for educational purposes and shall not be made available to local communities for purposes
14 other than education. The local fiscal effort to support education referred to in subsection (d) shall
15 not be reduced in response to the availability of these federal financial participation funds to the
16 local education agency. These federal financial participation funds must supplement, not supplant,
17 local maintained fiscal effort to support education.

18 (4) For the purposes of this subsection, the term “local education agency” shall include any
19 city, town, state, or regional school district or the school for the deaf or the William M. Davies, Jr.
20 career and technical high school, the Metropolitan Career and Technical Center, any public charter
21 school established pursuant to chapter 77 of title 16, any educational collaborative established
22 pursuant to chapter 3.1 of title 16, or the department of children, youth and families (DCYF).

23 (d)(1) Each community shall maintain local fiscal effort for education. For the purpose of
24 this subsection, to “maintain local fiscal effort” means each community shall contribute local funds
25 to its school committee in an amount not less than its local contribution for schools in the previous
26 fiscal year.

27 (2) Further, state support for education shall not be reduced from the prior fiscal year in
28 response to local community participation in the EPSDT program.

29 (e) The department of human services and the department of elementary and secondary
30 education shall effect the interagency transfers necessary to comply with the provisions of this
31 section. The department of elementary and secondary education and the department of human
32 services are authorized to promulgate any and all regulations necessary to implement this section.
33 All local school agencies becoming EPSDT providers shall be required to comply with all
34 provisions of Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., relative to

1 responsibilities of a Medicaid provider.

2 (f) Failure of the local education agency to establish a local certified match under this law
3 sufficient to support its claims for reimbursement of EPSDT services and associated administrative
4 costs will result in the withholding of state funds due that community in accordance with § 16-7-
5 31 in an amount equal to the federal financial participation funds denied by the federal government
6 as a result thereof. The withheld funds will be transferred to the department of human services.

7 (g) The department of human services, with the aid of the department of education, shall
8 determine which healthcare-related services are eligible for federal Medicaid reimbursement for
9 health-related services provided by local education agencies to children eligible for early periodic
10 screening, diagnosis and treatment. The department of human services, with the assistance of the
11 department of administration, shall also develop the following resources in furtherance of the goal
12 of recouping the maximum amount of administrative costs associated with the services:

13 (1) A time-study training manual that outlines how to complete a time study by school
14 personnel to enhance recovery of administrative costs; and

15 (2) A claiming manual that outlines the financial information and claim submission
16 requirements that are needed to complete the claim.

17 (h) Services provided by school social workers and certified school psychologists who are
18 certified by the department of elementary and secondary education shall be included as health care
19 related services eligible for federal Medicaid reimbursement pursuant to this section. These school
20 social workers and certified school psychologists shall be eligible to participate in time studies as
21 local education agency employees and contractors.

22 (i) The general assembly encourages the executive office of health and human services and
23 the department of elementary and secondary education to collaborate and pursue pathways to
24 expand opportunities for local education agencies to bill and obtain federal Medicaid
25 reimbursement for eligible services delivered in schools.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE -- THE PROMOTING
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1 This act would require that services provided by school social workers and certified school
2 psychologists be included as health care related services eligible for federal Medicaid
3 reimbursement.

4 This act would take effect upon passage.

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