AN ACT
RELATING TO HUMAN SERVICES - MENTAL HEALTH SERVICES FOR ALL STUDENTS

Introduced By: Representatives McNamara, Ackerman, Cassar, Diaz, and Solomon

Date Introduced: January 29, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

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

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

(b) The services available to eligible children under Title XIX of the Social Security Act for early and periodic screening, diagnosis and treatment (EPSDT) may be provided by local education agencies.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HUMAN SERVICES - MENTAL HEALTH SERVICES FOR ALL STUDENTS

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1 This act would direct that services provided by school social workers and certified school psychologists would be included as health care related services eligible for federal Medicaid reimbursement.

4 This act would take effect upon passage.

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