

HOUSE BILL NO. HB0119

Medicaid billing for school-based services.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to school finance; authorizing school
2 districts to bill for school based services for Medicaid
3 eligible students as specified; providing reimbursement to
4 school districts for administrative costs; providing
5 appropriations; authorizing positions; authorizing a
6 transfer of funds; requiring reports; and providing for
7 effective dates.

8

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

10

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

14

15 **21-13-321. Special education; amount within**
16 **foundation program formula for special education programs**

1 and services; district reporting requirements; billing for
2 Medicaid authorized school based services.

3
4 (b) The amount provided for special education within
5 the education resource block grant model pursuant to W.S.
6 21-13-309(m)(v)(E)(II) shall be equal to one hundred
7 percent (100%) of the amount actually expended by the
8 district during the previous school year for special
9 education programs and services, which shall include the
10 amount actually expended by the district during the
11 previous school year for reasonable administrative costs to
12 bill for authorized Medicaid services under subsection (h)
13 of this section. The statewide total amount reimbursed
14 under this section in school year 2019-2020 or 2020-2021
15 shall not exceed the statewide total amount reimbursed
16 under this section in school year 2018-2019,
17 notwithstanding any additional appropriation for that
18 purpose by the legislature.

19
20 (h) Beginning July 1, 2021, each school district with
21 twenty-five (25) or more Medicaid eligible students
22 receiving special education programs and services, as
23 calculated by the department of education pursuant to

1 subsection (j) of this section, may bill the department of
2 health for the costs of any special education program and
3 service covered under W.S. 42-4-103(a)(xxxiv) through
4 (xxxvi) provided to the district's students. No other
5 school district shall bill the department of health under
6 this subsection. The department of health shall provide
7 payment to each eligible school district as soon as
8 reasonably practical for the costs of approved services. By
9 September 1 of each school year, each school district shall
10 remit to the department of education all funds received
11 during the prior school year from the department of health
12 for billed services. The department of education shall
13 remit all funds received under this subsection to the state
14 treasurer for deposit in the school foundation program
15 account.

16
17 (j) A school district may report the number of
18 Medicaid eligible students receiving special education
19 programs and services enrolled within the school district
20 on forms and in such manner required by the department. The
21 number of Medicaid eligible students receiving special
22 education programs and services for a school year shall be

1 determined by the department of education using data from
2 October 1 of the immediately preceding school year.

3

4 **42-4-103. Authorized services and supplies.**

5

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

8

9 (xxxiv) The professional services of a school
10 psychologist;

11

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

14

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

17

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

20

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

23

1 individualized education ~~plan~~ program or
2 individualized family service plan for speech and
3 language therapy, physical therapy, nursing,
4 occupational therapy, and mental health
5 interventions. ~~and services provided by a school~~
6 ~~psychologist.~~

7
8 (b) The director of the department of
9 health, with the consent of the governor, shall
10 negotiate with the United States department of
11 health and human services regarding necessary
12 amendments to the state Medicaid plan, or any
13 necessary waiver under 42 U.S.C. § 1315, to
14 provide the services specified under subsection
15 (a) of this section. Any state Medicaid plan
16 amendments or waiver under this subsection shall
17 be effective ~~July 1, 2020~~ July 1, 2021 or upon
18 state plan or waiver approval from the Centers
19 for Medicare and Medicaid Services, whichever is
20 later.

21

22 **Section 3.**

23

1 (a) The department of education is authorized to
2 transfer one (1) full-time employee from the title 1A -
3 administration unit to the finance unit to support
4 implementation of this act. There is appropriated one
5 hundred fourteen thousand one hundred sixty-nine dollars
6 (\$114,169.00) from the general fund to the department of
7 education for salary and benefits for the full-time
8 employee. This appropriation shall be for the period
9 beginning July 1, 2020 and ending June 30, 2022. This
10 appropriation shall not be transferred or expended for any
11 other purpose and any unexpended, unobligated funds
12 remaining from this appropriation shall revert as provided
13 by law on June 30, 2022. It is the intent of the
14 legislature that this appropriation not be included in the
15 department of education's standard budget for the
16 immediately succeeding fiscal biennium.

17

18 (b) There is appropriated two hundred twenty-eight
19 thousand one hundred fifty-nine dollars (\$228,159.00) from
20 the school foundation program account to the department of
21 health. Additionally, there is appropriated two hundred
22 twenty-eight thousand one hundred fifty-nine dollars
23 (\$228,159.00) in federal funds to the department of health.

1 Up to two hundred sixty-one thousand dollars (\$261,000.00)
2 of the appropriations made under this subsection may be
3 expended for contract services to implement this act.
4 Additionally, the department of health is authorized one
5 (1) additional full-time employee to support implementation
6 of this act and up to one hundred ninety-five thousand
7 three hundred eighteen dollars (\$195,318.00) of the
8 appropriations made under this section may be expended for
9 salary and benefits for the full-time employee.
10 Appropriations made under this subsection shall be for the
11 period beginning July 1, 2020 and ending June 30, 2022.
12 The appropriations shall not be transferred or expended for
13 any other purpose and any unexpended, unobligated state
14 funds remaining from this appropriation shall revert as
15 provided by law on June 30, 2022.

16

17 **Section 4.**

18

19 (a) For the period from July 1, 2020 to June 30,
20 2022, the department of education is authorized to transfer
21 to the department of health for purposes of making payments
22 to school districts pursuant to W.S. 21-13-321(h), as
23 created by this act, up to five million dollars

1 (\$5,000,000.00) of amounts appropriated to the department
2 of education from the school foundation program account.
3 Amounts transferred to the department of health pursuant to
4 this subsection are reappropriated to the department of
5 health for purposes of making payments to school districts
6 pursuant to W.S. 21-13-321(h), as created by this act.

7

8 (b) There is appropriated up to five million dollars
9 (\$5,000,000.00) of federal funds to the department of
10 health for purposes of making payments to school districts
11 pursuant to W.S. 21-13-321(h), as created by this act.
12 This appropriation shall be for the period beginning July
13 1, 2020 and ending June 30, 2022. This appropriation shall
14 not be transferred or expended for any other purpose.

15

16 **Section 5.** The department of health and the
17 department of education shall report on implementation of
18 Medicaid billing for school based services as provided for
19 by this act. Reports on implementation required by this
20 section shall include information on relevant action taken
21 by school districts, relevant action taken by the
22 department of health and the department of education and
23 any approvals received from the federal government for plan

1 amendments or waivers to the state Medicaid plan. The
2 departments shall evaluate impediments to implementation
3 and determine necessary or recommended improvements to the
4 program and any required additional funding. Findings shall
5 be submitted in two (2) written reports to the joint
6 education interim committee, the joint labor, health and
7 social services interim committee and the joint
8 appropriations committee, one (1) report to be submitted
9 not later than October 1, 2020 and the other report to be
10 submitted not later than October 1, 2021.

11

12 **Section 6.**

13

14 (a) Except as provided in subsection (b) of this
15 section, this act is effective July 1, 2020.

16

17 (b) Sections 2 and 6 of this act are effective
18 immediately upon completion of all acts necessary for a
19 bill to become law as provided by Article 4, Section 8 of
20 the Wyoming Constitution.

21

22

(END)