

ENROLLED ACT NO. 46, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET 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 positions; authorizing a transfer of funds; 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, 2021, each school district with twenty-five (25) or more 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. No other school district shall bill the department of health under this subsection. The department of health shall provide payment to each eligible school district 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. 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.

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

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(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. 2018 Wyoming Session Laws, Chapter 134, as amended by 2019 Wyoming Session Laws, Chapter 80, Section 344(a) and (b) is amended to read:

[MEDICAID APPROVED SERVICES FOR SCHOOL
DISTRICTS]

Section 344.

(a) In addition to the services and supplies authorized under W.S. 42-4-103(a), subject to approval under subsection (b) of this section, the state plan for Medicaid shall include all services authorized under federal law which may be provided in a school based setting to eligible students, including the professional

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services of a school psychologist, the professional services of a school social worker and those services delivered pursuant to an individualized education ~~plan~~ program or individualized family service plan for speech and language therapy, physical therapy, nursing, occupational therapy, and mental health interventions. ~~and services provided by a school psychologist.~~

(b) 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 subsection (a) of this section. Any state Medicaid plan amendments or waiver under this subsection shall be effective ~~July 1, 2020~~ July 1, 2021 or upon state plan or waiver approval from the Centers for Medicare and Medicaid Services, whichever is later.

Section 3.

(a) The department of education is authorized to transfer one (1) full-time employee from the title 1A - administration unit to the finance unit to support implementation of this act. There is appropriated one hundred fourteen thousand one hundred sixty-nine dollars (\$114,169.00) from the general fund to the department of education for salary and benefits for the full-time employee. This appropriation shall be for the period beginning July 1, 2020 and ending June 30, 2022. This

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appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2022. It is the intent of the legislature that this appropriation not be included in the department of education's standard budget for the immediately succeeding fiscal biennium.

(b) There is appropriated two hundred twenty-eight thousand one hundred fifty-nine dollars (\$228,159.00) from the school foundation program account to the department of health. Additionally, there is appropriated two hundred twenty-eight thousand one hundred fifty-nine dollars (\$228,159.00) in federal funds to the department of health. Up to two hundred sixty-one thousand dollars (\$261,000.00) of the appropriations made under this subsection may be expended for contract services to implement this act. Additionally, the department of health may expend up to one hundred ninety-five thousand three hundred eighteen dollars (\$195,318.00) of the appropriations made under this section for salary and benefits. Appropriations made under this subsection shall be for the period beginning July 1, 2020 and ending June 30, 2022. The appropriations shall not be transferred or expended for any other purpose and any unexpended, unobligated state funds remaining from this appropriation shall revert as provided by law on June 30, 2022.

Section 4.

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

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thousand dollars (\$2,500,000.00) of amounts appropriated to the department of education from the school foundation program account. Amounts transferred to the department of health pursuant to this subsection are reappropriated to the department of health for purposes of making payments to school districts pursuant to W.S. 21-13-321(h), as created by this act.

(b) There is appropriated up to two million five hundred thousand dollars (\$2,500,000.00) of federal funds to the department of health for purposes of making payments to school districts pursuant to W.S. 21-13-321(h), as created by this act. This appropriation shall be for the period beginning July 1, 2020 and ending June 30, 2022. This appropriation shall not be transferred or expended for any other purpose.

Section 5. 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 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, 2020 and the other report to be submitted not later than October 1, 2021.

ORIGINAL HOUSE
BILL NO. HB0119

ENGROSSED

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Section 6.

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

(b) Sections 2 and 6 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 House.

Chief Clerk