

# STATE OF NEW YORK

7812--A

## IN SENATE

February 24, 2020

Introduced by Sens. RIVERA, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to school-based health centers for purposes of managed care programs under medicaid

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 364-j of the social services law  
2 is amended by adding two new paragraphs (w) and (w-1) to read as  
3 follows:

4 (w) "School-based health center". A clinic licensed under article  
5 twenty-eight of the public health law or sponsored either fully or  
6 partially by a facility licensed under article twenty-eight of the  
7 public health law or where such sponsorship is dually shared with a  
8 facility licensed under article thirty-one of the mental hygiene law  
9 which provides primary and preventive care which may include but is not  
10 limited to health maintenance, well-child care, diagnosis and treatment  
11 of injury and acute illness, diagnosis and management of chronic  
12 disease, behavioral services, vision care, dental care, and nutritional  
13 or other enhanced services to children and adolescents, any of which may  
14 be provided by referral, within an elementary, secondary or prekinder-  
15 garten public school setting.

16 (w-1) "Sponsoring organization". A facility licensed under article  
17 twenty-eight of the public health law which acts as the sponsor for a  
18 school-based health center, which such sponsorship may be dually shared  
19 with a facility licensed under article thirty-one of the mental hygiene  
20 law.

21 § 2. Section 364-j of the social services law is amended by adding a  
22 new subdivision 4-a to read as follows:

23 4-a. (a) Medical assistance services and supplies provided by a  
24 school-based health center may be provided and paid for other than by a  
25 managed care provider. In such case, the services and supplies shall be

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD15128-04-0

1 paid in accordance with applicable reimbursement methodologies, which  
2 shall mean:

3 (i) for a school-based health center that is sponsored by a federally  
4 qualified health center, rates of reimbursement and requirements in  
5 accordance with those mandated by 42 U.S.C. Secs. 1396a(bb),  
6 1396b(m)(2)(A)(ix) and 1396a(a)(13)(C); and

7 (ii) for a school-based health center that is sponsored by an entity  
8 licensed pursuant to article twenty-eight of the public health law that  
9 is not a federally qualified health center or is a federally qualified  
10 health center that chooses not to receive reimbursement pursuant to  
11 subparagraph (i) of this paragraph, rates of reimbursement at the fee  
12 for service rate for such services and supplies in effect on the effec-  
13 tive date of this subparagraph for the ambulatory patient group rate for  
14 the applicable service and supply and in accordance with any future  
15 adjustments made to such rates by the department of health.

16 (b) This subdivision shall not preclude a school-based health center  
17 or sponsoring organization from choosing to provide medical assistance  
18 services and supplies through managed care providers.

19 (c) The school-based health center or sponsoring organization and the  
20 managed care provider shall enter into a standard memorandum of under-  
21 standing, which shall be developed by the commissioner for the purpose  
22 of promoting the delivery of coordinated health care and participation  
23 in quality improvement initiatives. The commissioner shall periodically  
24 share enrollment, encounter, and any other data the commissioner deter-  
25 mines necessary with each enrolled participant's medicaid managed care  
26 provider to allow the exchange of such data between medicaid managed  
27 care providers and school-based health centers for the purpose of this  
28 paragraph and facilitating enrollee access to services and improving  
29 coordination and quality of care.

30 § 3. This act shall take effect on the one hundred eightieth day after  
31 it shall have become a law; provided that the amendments to section  
32 364-j of the social services law made by sections one and two of this  
33 act shall not affect the repeal of such section and shall expire and be  
34 deemed repealed therewith. Effective immediately, the commissioner of  
35 health shall make regulations and take other actions reasonably neces-  
36 sary to implement this act on its effective date.