

STATE OF NEW YORK

1587

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. GOTTFRIED, CARROLL, RAMOS, PAULIN, SIMON, SEAWRIGHT, DICKENS, CAHILL, ABINANTI -- read once and referred to the Committee on Health

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

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

LBD00563-01-1

1 managed care provider. In such case, the services and supplies shall be
2 paid in accordance with applicable reimbursement methodologies, which
3 shall mean:

4 (i) for a school-based health center that is sponsored by a federally
5 qualified health center, rates of reimbursement and requirements in
6 accordance with those mandated by 42 U.S.C. Secs. 1396a(bb),
7 1396b(m)(2)(A)(ix) and 1396a(a)(13)(C); and

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

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

20 (c) This paragraph applies where a managed care provider includes as
21 an enrollee a student who is eligible to be served by a school-based
22 health center, regardless of whether the school-based health center or
23 sponsoring organization chooses to provide medical assistance services
24 and supplies through the managed care provider. The school-based health
25 center or sponsoring organization and the managed care provider shall
26 enter into a standard memorandum of understanding, which shall be devel-
27 oped by the commissioner for the purpose of promoting the delivery of
28 coordinated health care and participation in quality improvement initi-
29 atives. The commissioner shall periodically share enrollment, encounter,
30 and any other data the commissioner determines necessary with each
31 enrolled participant's medicaid managed care provider to allow the
32 exchange of such data between medicaid managed care providers and
33 school-based health centers for the purpose of this paragraph and facil-
34 itating enrollee access to services and improving coordination and qual-
35 ity of care.

36 § 3. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law; provided that the amendments to section
38 364-j of the social services law made by sections one and two of this
39 act shall not affect the repeal of such section and shall expire and be
40 deemed repealed therewith. Effective immediately, the commissioner of
41 health shall make regulations and take other actions reasonably neces-
42 sary to implement this act on its effective date.