# STATE OF NEW YORK

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# IN ASSEMBLY

February 25, 2020

Introduced by M. of A. GOTTFRIED, JAFFEE, McDONALD, CARROLL, ORTIZ, RAMOS, PAULIN, SIMON, SEAWRIGHT, DICKENS, CAHILL, ABINANTI -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- again reported from said committee with amendments, 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:**

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

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

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

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

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

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4-a. (a) Medical assistance services and supplies provided by a school-based health center may be provided and paid for other than by a managed care provider. In such case, the services and supplies shall be paid in accordance with applicable reimbursement methodologies, which shall mean:

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

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

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

(c) This paragraph applies where a managed care provider includes as an enrollee a student who is eligible to be served by a school-based health center, regardless of whether the school-based health center or sponsoring organization chooses to provide medical assistance services and supplies through the managed care provider. The school-based health center or sponsoring organization and the managed care provider shall enter into a standard memorandum of understanding, which shall be developed by the commissioner for the purpose of promoting the delivery of coordinated health care and participation in quality improvement initiatives. The commissioner shall periodically share enrollment, encounter, and any other data the commissioner determines necessary with each enrolled participant's medicaid managed care provider to allow the exchange of such data between medicaid managed care providers and school-based health centers for the purpose of this paragraph and facilitating enrollee access to services and improving coordination and quality of care.

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