

# STATE OF NEW YORK

7812--B

## IN SENATE

February 24, 2020

Introduced by Sens. RIVERA, KENNEDY, 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 -- 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 prekindergarten public school setting.

15  
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:

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

LBD15128-06-0

1 4-a. (a) Medical assistance services and supplies provided by a  
2 school-based health center may be provided and paid for other than by a  
3 managed care provider. In such case, the services and supplies shall be  
4 paid in accordance with applicable reimbursement methodologies, which  
5 shall mean:

6 (i) for a school-based health center that is sponsored by a federally  
7 qualified health center, rates of reimbursement and requirements in  
8 accordance with those mandated by 42 U.S.C. Secs. 1396a(bb),  
9 1396b(m)(2)(A)(ix) and 1396a(a)(13)(C); and

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

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

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

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