

STATE OF NEW YORK

9894--B

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:

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:

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

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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.