

STATE OF NEW YORK

2127

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sens. RIVERA, KENNEDY -- read twice and ordered printed,
and when printed to be committed 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 Assem-
bly, 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
15 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.

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

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39 deemed repealed therewith.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