

**CHAPTER 187**  
**SB 235-FN - FINAL VERSION**

03/30/2017 1106s  
03/30/2017 1231s  
4May2017... 1421h

2017 SESSION

17-0764  
05/04

SENATE BILL                    ***235-FN***

AN ACT                    relative to Medicaid reimbursement to schools for students with medical needs.

SPONSORS:            Sen. Reagan, Dist 17; Sen. Avar, Dist 12; Sen. Carson, Dist 14; Sen. French, Dist 7; Sen. Fuller Clark, Dist 21; Sen. Gannon, Dist 23; Sen. Giuda, Dist 2; Sen. Gray, Dist 6; Sen. Innis, Dist 24; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Rep. Snow, Hills. 42; Rep. Rosenwald, Hills. 30; Rep. Fothergill, Coos 1

COMMITTEE:        Health and Human Services

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AMENDED ANALYSIS

This bill establishes a Medicaid to schools for medical services program, which allows schools to pay for services provided to children with medical needs, regardless of whether the student receives special education services through an individualized education plan (IEP). The bill also adds a reporting requirement to the existing Medicaid to schools program.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struck through.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    relative to Medicaid reimbursement to schools for students with medical needs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            187:1 New Section; Medicaid to Schools for Medical Services. Amend RSA 167 by inserting  
2 after section 3-j the following new section:

3            167:3-k Medicaid to Schools For Medical Services Program.

4            I. There is established within the department of health and human services a Medicaid  
5 reimbursement program to be known as the "Medicaid to schools for medical services" program  
6 providing medical assistance for covered services furnished to children in public schools. The  
7 purpose of the program is to seek Medicaid reimbursement for services provided by local school  
8 districts and school administrative units to children which are reimbursable under federal law but  
9 which would otherwise be fully funded by such districts or administrative units. General fund  
10 dollars allocated to the department of health and human services shall not be used for matching the  
11 federal financial participation for Medicaid reimbursement. All matching dollars for Medicaid to  
12 schools medical services shall come from the local school districts or school administrative units.  
13 The program shall be voluntary and administered by the department in the same, or similar,  
14 manner as the Medicaid to schools program established in RSA 186-C:25. This section shall not be  
15 construed to increase school district responsibility or liability beyond what is required by other state  
16 or federal law.

17            II. Eligible services may be provided to Medicaid-eligible children and may include services  
18 defined through rulemaking pursuant to paragraph IV under the following conditions:

19            (a) The service is a covered Medicaid service, provided in accordance with the approved  
20 state plan methodologies, including coverage under the Early and Periodic Screening Diagnostic  
21 and Treatment benefit provided to children.

22            (b) The provider is a Medicaid-participating provider and meets all federal and state  
23 provider qualification requirements.

24            (c) The state plan contains a payment methodology for determining rates that are  
25 consistent with efficiency, economy, and quality of care.

26            (d) Third party liability requirements are met.

27            (e) Medicaid payment does not duplicate other specific payments for the same service.

28            (f) The state and provider maintain auditable documentation to support claims for  
29 federal financial participation (FFP).

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(g) The state conducts appropriate financial oversight of provider billing practices.

(h) All other federal and state program requirements for the service, payment, and associated claiming are met.

III. Services provided under this section shall:

(a) Be provided to children in conformity with any medical criteria necessary for Medicaid reimbursement.

(b) Be provided only after obtaining informed parental consent.

IV. The commissioner of the department of health and human services, after consultation with the commissioner of the department of education, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Further defining services eligible for Medicaid reimbursement under this section. In defining such services, the commissioner shall, to the extent practicable, seek to maximize the availability of federal financial assistance to local school districts and school administrative units.

(b) State plans and reimbursement procedures necessary for local school districts or school administrative units to receive appropriate Medicaid reimbursement for eligible services under paragraph II that are provided or paid for by school districts or school administrative units.

(c) Monitoring mechanisms to ensure that services provided under this section meet the requirements of paragraph III. Monitoring responsibilities shall be consistent with the jurisdiction of the different departments.

(d) A financial mechanism by which the federal mandatory matching requirement is met through collection, or other means, of 50 percent of the cost of allowable services from local school districts and/or school administrative units.

V. Billing for services in accordance with this section shall not commence until the administrative rulemaking procedure required under paragraph IV is complete and shall be for services provided on or after the effective date of such rules.

VI. New Hampshire local school districts or school administrative units shall be the enrolled Medicaid providers for the purpose of administration and billing.

187:2 New Paragraph; Medicaid to Schools Program. Amend RSA 186-C:25 by inserting after paragraph VI the following new paragraph:

VII. Beginning on September 1, 2018, the commissioner of the department of health and human services shall submit an annual report to the senate president, the speaker of the house of representatives, and the chairpersons of the house and senate finance committees regarding the total cost of the Medicaid to schools program and the number of students who received services through the program during the prior school year.

187:3 Department of Health and Human Services; Rulemaking. The department of health and human services shall initiate the rulemaking required under RSA 167:3-k, as inserted by section 1 of this act, no later than September 1, 2017.

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1           187:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 29, 2017  
Effective Date: August 28, 2017

