

SENATE FILE NO. SF0079

Medicaid billing for school-based services.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to school finance; authorizing school
2 districts to bill for school based services for Medicaid
3 eligible students as specified; providing reimbursement to
4 school districts for administrative costs; providing
5 appropriations; authorizing a position; requiring reports;
6 and providing for effective dates.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 21-13-321(b) and by creating new
11 subsections (h) and (j) and 42-4-103(a) by creating new
12 paragraphs (xxxiv) through (xxxvi) are amended to read:

13

14 **21-13-321. Special education; amount within**
15 **foundation program formula for special education programs**

1 and services; district reporting requirements; billing for
2 Medicaid authorized school based services.

3
4 (b) The amount provided for special education within
5 the education resource block grant model pursuant to W.S.
6 21-13-309(m)(v)(E)(II) shall be equal to one hundred
7 percent (100%) of the amount actually expended by the
8 district during the previous school year for special
9 education programs and services, which shall include the
10 amount actually expended by the district during the
11 previous school year for reasonable administrative costs to
12 bill for authorized Medicaid services under subsection (h)
13 of this section. The statewide total amount reimbursed
14 under this section in school year 2019-2020 or 2020-2021
15 shall not exceed the statewide total amount reimbursed
16 under this section in school year 2018-2019,
17 notwithstanding any additional appropriation for that
18 purpose by the legislature.

19
20 (h) Beginning July 1, 2022, each school district with
21 Medicaid eligible students receiving special education
22 programs and services, as calculated by the department of
23 education pursuant to subsection (j) of this section, may

1 bill the department of health for the costs of any special
2 education program and service covered under W.S.
3 42-4-103(a)(xxxiv) through (xxxvi) provided to the
4 district's students. The department of health shall provide
5 payment to each eligible school district that has billed
6 the department of health as soon as reasonably practical
7 for the costs of approved services. By September 1 of each
8 school year, each school district shall remit to the
9 department of education all funds received during the prior
10 school year from the department of health for billed
11 services. The department of education shall remit all funds
12 received under this subsection to the state treasurer for
13 deposit in the school foundation program account.

14
15 (j) A school district may report the number of
16 Medicaid eligible students receiving special education
17 programs and services enrolled within the school district
18 on forms and in such manner required by the department for
19 the 2021-2022 school year. Beginning with the 2022-2023
20 school year and each school year thereafter, a school
21 district shall report the number of Medicaid eligible
22 students receiving special education programs and services
23 enrolled within the school district on forms and in the

1 manner required by the department. The number of Medicaid
 2 eligible students receiving special education programs and
 3 services for a school year shall be determined by the
 4 department of education using data from October 1 of the
 5 immediately preceding school year.

6

7 **42-4-103. Authorized services and supplies.**

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9 (a) Services and supplies authorized for medical
 10 assistance under this chapter include:

11

12 (xxxiv) The professional services of a school
 13 psychologist;

14

15 (xxxv) The professional services of a school
 16 social worker;

17

18 (xxxvi) School based services delivered pursuant
 19 to an individualized education program, including services:

20

21 (A) Provided by an otherwise enrolled
 22 Medicaid provider type;

23

1 (B) Provided by a licensed professional in
2 a school setting; or

3
4 (C) Otherwise covered under this chapter to
5 support delivery of special education programs and
6 services.

7
8 **Section 2.** The director of the department of health,
9 with the consent of the governor, shall negotiate with the
10 United States department of health and human services
11 regarding necessary amendments to the state Medicaid plan,
12 or any necessary waiver under 42 U.S.C. § 1315, to provide
13 the services specified under W.S. 42-4-103(a)(xxxiv)
14 through (xxxvi), as created by this act. Any state Medicaid
15 plan amendments or waiver under this subsection shall be
16 effective July 1, 2022 or upon state plan or waiver
17 approval from the Centers for Medicare and Medicaid
18 Services, whichever is later.

19
20 **Section 3.** The department of health is authorized one
21 (1) full-time position for the purposes of this act. There
22 is appropriated one hundred forty-two thousand six hundred
23 twenty-two dollars (\$142,622.00) from the school foundation

1 program account to the department of health. Additionally,
2 there is appropriated one hundred forty-two thousand six
3 hundred twenty-two dollars (\$142,622.00) from federal funds
4 to the department of health. These appropriations shall be
5 used only for the purposes of implementing this act. Not
6 more than one hundred eighty-seven thousand five hundred
7 eighty-four dollars (\$187,584.00) of the appropriations
8 made under this section shall be expended for contract
9 services to implement this act. Not more than ninety-seven
10 thousand six hundred sixty dollars (\$97,660.00) of the
11 appropriations made under this section shall be expended
12 for salary and benefits. These appropriations shall be for
13 the period beginning on the effective date of this section
14 and ending June 30, 2022. These appropriations shall not
15 be transferred or expended for any other purpose and any
16 unexpended, unobligated funds remaining from these
17 appropriations shall revert as provided by law on June 30,
18 2022.

19

20 **Section 4.** The department of health and the
21 department of education shall report on implementation of
22 Medicaid billing for school based services as provided for
23 by this act. Reports on implementation required by this

1 section shall include information on relevant action taken
2 by school districts, relevant action taken by the
3 department of health and the department of education and
4 any approvals received from the federal government for plan
5 amendments or waivers to the state Medicaid plan. The
6 departments shall evaluate impediments to implementation
7 and determine necessary or recommended improvements to the
8 program and any required additional funding. Findings shall
9 be submitted in two (2) written reports to the joint
10 education interim committee, the joint labor, health and
11 social services interim committee and the joint
12 appropriations committee, one (1) report to be submitted
13 not later than October 1, 2021 and the other report to be
14 submitted not later than October 1, 2022.

15

1 **Section 5.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2021.

5

6 (b) Sections 2 through 5 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)