

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 positions; 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 twenty-five (25) or more Medicaid eligible students
22 receiving special education programs and services, as
23 calculated by the department of education pursuant to

1 subsection (j) of this section, may bill the department of
2 health for the costs of any special education program and
3 service covered under W.S. 42-4-103(a)(xxxiv) through
4 (xxxvi) provided to the district's students. No other
5 school district shall bill the department of health under
6 this subsection. The department of health shall provide
7 payment to each eligible school district that has billed
8 the department of health as soon as reasonably practical
9 for the costs of approved services. By September 1 of each
10 school year, each school district shall remit to the
11 department of education all funds received during the prior
12 school year from the department of health for billed
13 services. The department of education shall remit all funds
14 received under this subsection to the state treasurer for
15 deposit in the school foundation program account.

16

17 (j) A school district may report the number of
18 Medicaid eligible students receiving special education
19 programs and services enrolled within the school district
20 on forms and in such manner required by the department. The
21 number of Medicaid eligible students receiving special
22 education programs and services for a school year shall be

1 determined by the department of education using data from
2 October 1 of the immediately preceding school year.

3

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

5

6 (a) Services and supplies authorized for medical
7 assistance under this chapter include:

8

9 (xxxiv) The professional services of a school
10 psychologist;

11

12 (xxxv) The professional services of a school
13 social worker;

14

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

17

18 (A) Provided by an otherwise enrolled
19 Medicaid provider type;

20

21 (B) Provided by a licensed professional in
22 a school setting; or

23

1 (C) Otherwise covered under this chapter to
2 support delivery of special education programs and
3 services.

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

16
17 **Section 3.** The department of education is authorized
18 to transfer one (1) full-time employee from the title 1A -
19 administration unit to the finance unit to support
20 implementation of this act. There is appropriated
21 fifty-seven thousand eighty-five dollars (\$57,085.00) from
22 the general fund to the department of education for salary
23 and benefits for the full-time employee. This

1 appropriation shall be for the period beginning on the
2 effective date of this section and ending June 30, 2022.
3 This appropriation shall not be transferred or expended for
4 any other purpose and any unexpended, unobligated funds
5 remaining from this appropriation shall revert as provided
6 by law on June 30, 2022. It is the intent of the
7 legislature that this appropriation not be included in the
8 department of education's standard budget for the
9 immediately succeeding fiscal biennium.

10

11 **Section 4.** There is appropriated one hundred fourteen
12 thousand eighty dollars (\$114,080.00) from the school
13 foundation program account to the department of health.
14 Additionally, there is appropriated one hundred fourteen
15 thousand eighty dollars (\$114,080.00) in federal funds to
16 the department of health. Up to one hundred thirty thousand
17 five hundred dollars (\$130,500.00) of the appropriations
18 made under this subsection may be expended for contract
19 services to implement this act. Additionally, the
20 department of health may expend up to ninety-seven thousand
21 six hundred sixty dollars (\$97,660.00) of the
22 appropriations made under this section for salary and
23 benefits. Appropriations made under this subsection shall

1 be for the period beginning July 1, 2021 and ending June
2 30, 2022. The appropriations shall not be transferred or
3 expended for any other purpose and any unexpended,
4 unobligated state funds remaining from this appropriation
5 shall revert as provided by law on June 30, 2022.

6

7 **Section 5.** The department of health and the
8 department of education shall report on implementation of
9 Medicaid billing for school based services as provided for
10 by this act. Reports on implementation required by this
11 section shall include information on relevant action taken
12 by school districts, relevant action taken by the
13 department of health and the department of education and
14 any approvals received from the federal government for plan
15 amendments or waivers to the state Medicaid plan. The
16 departments shall evaluate impediments to implementation
17 and determine necessary or recommended improvements to the
18 program and any required additional funding. Findings shall
19 be submitted in two (2) written reports to the joint
20 education interim committee, the joint labor, health and
21 social services interim committee and the joint
22 appropriations committee, one (1) report to be submitted

1 not later than October 1, 2021 and the other report to be
2 submitted not later than October 1, 2022.

3

4 **Section 6.**

5

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

8

9 (b) Sections 2, 3 and 5 of this act are effective
10 immediately upon completion of all acts necessary for a
11 bill to become law as provided by Article 4, Section 8 of
12 the Wyoming Constitution.

13

14 (END)