



2023 ASSEMBLY BILL 236

April 28, 2023 - Introduced by Representatives SORTWELL, ARMSTRONG, BEHNKE, BROOKS, DONOVAN, GREEN, KITCHENS, MURPHY, MURSAU and ALLEN, cosponsored by Senators COWLES and QUINN. Referred to Committee on Health, Aging and Long-Term Care.

1 **AN ACT to create** 49.45 (30d) of the statutes; **relating to:** reimbursement of
2 behavioral health services in school-based settings under the Medical
3 Assistance program.

Analysis by the Legislative Reference Bureau

Previously, under federal law, services that were provided to a Medical Assistance recipient that were available without charge to the recipient or that were obligated to be paid by a third party were generally not covered under the Medical Assistance program. This policy was interpreted by the federal Centers for Medicare and Medicaid Services to generally prevent schools from receiving reimbursement for services provided to students who were enrolled under the Medical Assistance program if the school did not bill for those services or if the school was obligated to provide the services, even if the services provided were otherwise reimbursable under the Medical Assistance program. CMS withdrew its prior guidance on this policy on December 15, 2014.

This bill requires the Department of Health Services to submit to the federal Department of Health and Human Services a state plan amendment to allow any school to seek reimbursement under the Medical Assistance program for behavioral health services provided in a school-based setting to a student who is a Medical Assistance recipient that would otherwise be covered under the Medical Assistance program. The Medical Assistance program is a joint federal and state program that provides health services to individuals who have limited financial resources.

