
HOUSE BILL 2547

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By Representatives Peery, Leonard, Brough, G. Cole, Silver, Pruitt, J. Kohl, Orr, Valle, O'Brien and Brekke

Read first time 01/20/92. Referred to Committee on Education.

1 AN ACT Relating to medical assistance reimbursement for health-
2 related services provided in schools; amending RCW 74.09.520; adding a
3 new section to chapter 28A.210 RCW; creating new sections; making an
4 appropriation; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that access to
7 health screening and diagnostic and treatment services for low-income
8 children in the state of Washington is essential to their healthy
9 development and educational success. The legislature further finds
10 that many schools are currently providing health and mental health-
11 related services to low income children, through programs such as
12 special education, school nurses, school counselors, and collaborative
13 arrangements with local health departments, that qualify for federal

1 matching funds under the medical assistance program, Title XIX of the
2 federal social security act.

3 (2) It is the intent of the legislature to maximize federal funding
4 for health and mental health-related services provided in the schools,
5 by building upon the system developed pursuant to chapter 400, Laws of
6 1989. In this way state education dollars can be leveraged to generate
7 federal matching funds for health and mental health-related services
8 currently provided through schools, thereby increasing the overall
9 level of resources available for such services in schools.

10 **Sec. 2.** RCW 74.09.520 and 1991 sp.s. c 8 s 9 are each amended to
11 read as follows:

12 (1) The term "medical assistance" may include the following care
13 and services: (a) Inpatient hospital services; (b) outpatient hospital
14 services; (c) other laboratory and x-ray services; (d) nursing facility
15 services; (e) physicians' services, which shall include prescribed
16 medication and instruction on birth control devices; (f) medical care,
17 or any other type of remedial care as may be established by the
18 secretary; (g) home health care services; (h) private duty nursing
19 services; (i) dental services; (j) physical and occupational therapy
20 and related services; (k) prescribed drugs, dentures, and prosthetic
21 devices; and eyeglasses prescribed by a physician skilled in diseases
22 of the eye or by an optometrist, whichever the individual may select;
23 (l) personal care services, as provided in this section; (m) hospice
24 services; (n) other diagnostic, screening, preventive, and
25 rehabilitative services; and (o) like services when furnished to a
26 ((handicapped)) child by a school district ((as part of an
27 individualized education program established pursuant to RCW
28 28A.155.010 through 28A.155.100)) in a manner consistent with the
29 requirements of this chapter. For the purposes of this section, the

1 department may not cut off any prescription medications, oxygen
2 supplies, respiratory services, or other life-sustaining medical
3 services or supplies.

4 "Medical assistance," notwithstanding any other provision of law,
5 shall not include routine foot care, or dental services delivered by
6 any health care provider, that are not mandated by Title XIX of the
7 social security act unless there is a specific appropriation for these
8 services. (~~Services included in an individualized education program
9 for a handicapped child under RCW 28A.155.010 through 28A.155.100 shall
10 not qualify as medical assistance prior to the implementation of the
11 funding process developed under RCW 74.09.524.~~)

12 (2) The department shall amend the state plan for medical
13 assistance under Title XIX of the federal social security act to
14 include personal care services, as defined in 42 C.F.R. 440.170(f), in
15 the categorically needy program.

16 (3) The department shall adopt, amend, or rescind such
17 administrative rules as are necessary to ensure that Title XIX personal
18 care services are provided to eligible persons in conformance with
19 federal regulations.

20 (a) These administrative rules shall include financial eligibility
21 indexed according to the requirements of the social security act
22 providing for medicaid eligibility.

23 (b) The rules shall require clients be assessed as having a medical
24 condition requiring assistance with personal care tasks. Plans of care
25 must be approved by a physician and reviewed by a nurse every ninety
26 days.

27 (4) The department shall design and implement a means to assess the
28 level of functional disability of persons eligible for personal care
29 services under this section. The personal care services benefit shall
30 be provided to the extent funding is available according to the

1 assessed level of functional disability. Any reductions in services
2 made necessary for funding reasons should be accomplished in a manner
3 that assures that priority for maintaining services is given to persons
4 with the greatest need as determined by the assessment of functional
5 disability.

6 (5) The department shall report to the appropriate fiscal
7 committees of the legislature on the utilization and associated costs
8 of the personal care option under Title XIX of the federal social
9 security act, as defined in 42 C.F.R. 440.170(f), in the categorically
10 needy program. This report shall be submitted by January 1, 1990, and
11 submitted on a yearly basis thereafter.

12 (6) Effective July 1, 1989, the department shall offer hospice
13 services in accordance with available funds. The hospice benefit under
14 this section shall terminate on June 30, 1993, unless extended by the
15 legislature.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.210
17 RCW to read as follows:

18 Funding for health and mental health-related services, provided by
19 local school districts in a manner consistent with the requirements of
20 RCW 74.09.500 through 74.09.910 and with children's mental health
21 services delivery plans developed pursuant to chapter 71.36 RCW, may
22 include payments from state and federal funds for medical assistance.
23 The superintendent of public instruction shall reimburse the department
24 of social and health services from state appropriations for education
25 programs for the state-funded portion of any medical assistance payment
26 made by the department for health or mental health-related services
27 provided to children eligible for medical assistance by local school
28 districts pursuant to this section.

1 NEW SECTION. **Sec. 4.** On or before January 1, 1993, the office
2 of the superintendent of public instruction, the department of social
3 and health services, and educational service district 112, in
4 consultation with representatives of local public health departments
5 and school directors, shall develop a marketing and technical
6 assistance plan to increase the provision of medical assistance funded
7 health and mental health-related services by local school districts.

8 NEW SECTION. **Sec. 5.** The sum of sixty thousand dollars, or as
9 much thereof as may be necessary, is appropriated from the general fund
10 to the department of social and health services, for the biennium
11 ending June 30, 1993, solely for one full-time equivalent staff person
12 collocated at the department and the office of superintendent of public
13 instruction, to assist in development and implementation of the
14 marketing plan developed pursuant to section 4 of this act.

15 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect immediately.