

2 **SHB 2547** - H COMM AMD **ADOPTED 2/14/92**

3 By Committee on Appropriations

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
8 state of Washington currently offers medical assistance benefits to
9 children in the state with family incomes below certain fixed levels,
10 and that the scope of these benefits is defined in state and federal
11 law. The medical assistance program allows the state to use federal
12 funds to finance more than one-half of the cost of providing health
13 care services to these children. The legislature finds that school
14 districts are currently providing health and mental health-related
15 services, such as counseling, therapies, and screening, to children
16 eligible for medical assistance, that may qualify for federal matching
17 funds under the state's medical assistance program.

18 (2) It is the intent of the legislature to leverage state education
19 dollars by generating federal medical assistance matching funds for
20 health and mental health-related services provided by school districts.
21 The children served will be those who are eligible for medical
22 assistance under the existing program, and the categories of services
23 provided will be those that are covered under the existing medical
24 assistance program."

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

1 (1) The term "medical assistance" may include the following care
2 and services: (a) Inpatient hospital services; (b) outpatient hospital
3 services; (c) other laboratory and x-ray services; (d) nursing facility
4 services; (e) physicians' services, which shall include prescribed
5 medication and instruction on birth control devices; (f) medical care,
6 or any other type of remedial care as may be established by the
7 secretary; (g) home health care services; (h) private duty nursing
8 services; (i) dental services; (j) physical and occupational therapy
9 and related services; (k) prescribed drugs, dentures, and prosthetic
10 devices; and eyeglasses prescribed by a physician skilled in diseases
11 of the eye or by an optometrist, whichever the individual may select;
12 (l) personal care services, as provided in this section; (m) hospice
13 services; (n) other diagnostic, screening, preventive, and
14 rehabilitative services; and (o) like services when furnished to a
15 ((handicapped)) child by a school district ((as part of an
16 individualized education program established pursuant to RCW
17 28A.155.010 through 28A.155.100)) in a manner consistent with the
18 requirements of this chapter. For the purposes of this section, the
19 department may not cut off any prescription medications, oxygen
20 supplies, respiratory services, or other life-sustaining medical
21 services or supplies.

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

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

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

9 (a) These administrative rules shall include financial eligibility
10 indexed according to the requirements of the social security act
11 providing for medicaid eligibility.

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

16 (4) The department shall design and implement a means to assess the
17 level of functional disability of persons eligible for personal care
18 services under this section. The personal care services benefit shall
19 be provided to the extent funding is available according to the
20 assessed level of functional disability. Any reductions in services
21 made necessary for funding reasons should be accomplished in a manner
22 that assures that priority for maintaining services is given to persons
23 with the greatest need as determined by the assessment of functional
24 disability.

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

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

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

7 (1) Funding for health and mental health-related services, provided
8 by local school districts in a manner consistent with the requirements
9 of RCW 74.09.500 through 74.09.910, may include payments from state and
10 federal funds for medical assistance. To the greatest extent possible,
11 the provision of mental health-related services under this section
12 shall be consistent with the applicable children's mental health
13 delivery system developed under chapter 71.36 RCW. The superintendent
14 of public instruction shall reimburse the department of social and
15 health services from state appropriations for education programs for
16 the state-funded portion of any medical assistance payment made by the
17 department for health or mental health-related services provided to
18 children eligible for medical assistance by local school districts
19 pursuant to this section, except to the extent that such payment is for
20 case management or support services provided through the maternity care
21 access program, as provided in RCW 74.09.760 through 74.09.810. The
22 amount of the interagency reimbursement shall be deducted by the
23 superintendent of public instruction in determining additional
24 allocations to districts for education programs under this section.

25 (2) Federal medical assistance funds received by school districts
26 for services provided under individualized education programs
27 established pursuant to chapter 28A.155 RCW shall be expended by the
28 school district solely for special education services pursuant to
29 chapter 28A.155 RCW."

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

8 "NEW SECTION. Sec. 5. On or before May 1, 1992, the department
9 of social and health services and the office of the superintendent of
10 public instruction shall establish a medical assistance billing agent
11 contract review committee. The committee's function shall be to review
12 each proposed contract between one or more school districts and a
13 public or private entity for medical assistance billing agent services.
14 In reviewing the proposed contracts, the committee shall consider:

15 (1) The experience and qualifications of the proposed billing
16 agent;

17 (2) The proposed fees of the billing agent in relation to the
18 services proposed to be performed under the contract; and

19 (3) The goal of maximizing federal medical assistance funds
20 available to school districts for the provision of health and mental
21 health-related services to children eligible for medical assistance.

22 The committee shall report the results of its review of each
23 proposed contract to the school district and its directors within
24 thirty days of its receipt of the proposed contract for review. Review
25 of proposed contracts under this section shall be a precondition to
26 execution of any final contract between one or more school districts
27 and a public or private entity for medical assistance billing agent
28 services."

1 "NEW SECTION. **Sec. 6.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately."

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8 On page 1, line 2 of the title, after "schools;" strike the
9 remainder of the title and insert "amending RCW 74.09.520; adding a new
10 section to chapter 28A.210 RCW; creating new sections; and declaring an
11 emergency."