

HOUSE BILL 82

J1, F1

(PRE-FILED)

3lr0452
CF 3lr0504

By: **Delegates Charkoudian and Cullison**

Requested: September 26, 2022

Introduced and read first time: January 11, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance and Children's Health Insurance Programs –**
3 **School-Based Behavioral Health Services – Reimbursement**

4 FOR the purpose of requiring, on or before a certain date, the Maryland Department of
5 Health to apply to the Centers for Medicare and Medicaid Services for a State plan
6 amendment authorizing certain reimbursement of behavioral health services when
7 provided in a school setting by certain health care providers under the Maryland
8 Medical Assistance Program or the Maryland Children's Health Insurance Program;
9 and generally relating to the Maryland Medical Assistance Program, the Maryland
10 Children's Health Insurance Program, and school-based behavioral health services.

11 BY adding to
12 Article – Health – General
13 Section 15–151
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **15–151.**

20 **(A) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL APPLY TO**
21 **THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR A STATE PLAN**
22 **AMENDMENT THAT AUTHORIZES THE STATE TO PROVIDE FOR:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) REIMBURSEMENT FOR MEDICALLY NECESSARY BEHAVIORAL**
2 **HEALTH SERVICES PROVIDED IN A SCHOOL SETTING TO ALL INDIVIDUALS**
3 **ENROLLED IN THE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM,**
4 **WITHOUT REGARD TO WHETHER THE SERVICES ARE PROVIDED UNDER AN**
5 **INDIVIDUALIZED EDUCATIONAL PROGRAM OR INDIVIDUALIZED FAMILY SERVICE**
6 **PLAN; AND**

7 **(2) PROGRAM AND MARYLAND CHILDREN’S HEALTH INSURANCE**
8 **PROGRAM ADMINISTRATIVE CLAIMING, TO THE EXTENT PERMITTED UNDER**
9 **FEDERAL LAW.**

10 **(B) TO THE MAXIMUM EXTENT PERMITTED UNDER FEDERAL AND STATE**
11 **LAW, SERVICES REIMBURSED UNDER THE STATE PLAN AMENDMENT REQUESTED**
12 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE REIMBURSABLE WHEN**
13 **PROVIDED IN A SCHOOL SETTING BY A MENTAL HEALTH PROVIDER WORKING**
14 **WITHIN THEIR SCOPE OF PRACTICE, INCLUDING:**

15 **(1) SCHOOL COUNSELORS, SCHOOL PSYCHOLOGISTS, SCHOOL**
16 **SOCIAL WORKERS, AND OTHER BEHAVIORAL HEALTH PROFESSIONALS AND**
17 **PARAPROFESSIONALS CERTIFIED BY THE MARYLAND STATE DEPARTMENT OF**
18 **EDUCATION;**

19 **(2) SCHOOL NURSES CERTIFIED BY THE MARYLAND STATE**
20 **DEPARTMENT OF EDUCATION;**

21 **(3) SOCIAL WORKERS LICENSED UNDER TITLE 19 OF THE HEALTH**
22 **OCCUPATIONS ARTICLE; AND**

23 **(4) MARRIAGE AND FAMILY THERAPISTS LICENSED UNDER TITLE 17**
24 **OF THE HEALTH OCCUPATIONS ARTICLE.**

25 **(C) ON OBTAINING FEDERAL APPROVAL UNDER THIS SECTION, THE**
26 **DEPARTMENT SHALL UPDATE ITS REGULATIONS, PROVIDER MANUALS, AND OTHER**
27 **SUBREGULATORY GUIDANCE TO REFLECT CHANGES TO THE PROGRAM MADE**
28 **UNDER THIS SECTION.**

29 **(D) THE DEPARTMENT SHALL PROVIDE REGULAR TRAINING AND**
30 **TECHNICAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES AND MENTAL HEALTH**
31 **PROFESSIONALS WORKING IN A SCHOOL SETTING ON PROGRAM ENROLLMENT,**
32 **BILLING, DOCUMENTATION, AND OTHER TOPICS RELATED TO COMPLIANCE AND**
33 **QUALITY ASSURANCE.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2023.