

# SENATE BILL 201

J1, F1

3lr0504  
CF HB 82

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By: **Senators Hester and Augustine**

Introduced and read first time: January 20, 2023

Assigned to: Finance

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## 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 school–based behavioral health  
7 services when provided by certain health care providers under the Maryland Medical  
8 Assistance Program or the Maryland Children’s Health Insurance Program;  
9 requiring local educational authorities to provide funding for the State’s match for  
10 services provided under the State plan amendment; and generally relating to the  
11 Maryland Medical Assistance Program, the Maryland Children’s Health Insurance  
12 Program, and school–based behavioral health services.

13 BY adding to

14 Article – Health – General

15 Section 15–151

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2022 Supplement)

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

20 **Article – Health – General**

21 **15–151.**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

33           **(E) FOR SERVICES PROVIDED UNDER THE STATE PLAN AMENDMENT**  
34 **REQUESTED UNDER SUBSECTION (A) OF THIS SECTION, EACH LOCAL EDUCATIONAL**

1 AGENCY SHALL BE RESPONSIBLE FOR THE PORTION OF THE COST OF COVERED  
2 SERVICES PROVIDED TO PROGRAM RECIPIENTS AND ENROLLEES IN THE  
3 MARYLAND CHILDREN'S HEALTH PROGRAM THAT IS NOT REIMBURSED BY THE  
4 FEDERAL GOVERNMENT.

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