

LFC Requester:	Sunny Liu
-----------------------	------------------

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 1/25/24
Bill No: HB229

Sponsor: Rep. Raymundo Lara
Short SPECIAL EDUCATION
Title: SUPPORT SERVICES

Agency Name and Code HCA-630
Number: _____
Person Writing Christie Guinn
Phone: 505-490-1169 **Email** christie.guinn@hsd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Duplicates SB132
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 229 proposes to amend sections of the Public School Code by providing certain specialized support services ancillary to special education, including medical, behavioral health or adaptive physical education services; providing that school districts and charter schools include specialized support services in department-approved educational plans.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

None for HSD

PERFORMANCE IMPLICATIONS

None for HSD

ADMINISTRATIVE IMPLICATIONS

None for HSD
No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates SB 132

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

The Medicaid School-Based Services (MSBS) Program allows NM school districts and charter schools to seek reimbursement for covered services provided to Medicaid-enrolled students that

are provided through an Individualized Education Plan (IEP), Individual Family Service Plan (IFSP), a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service. These Medicaid-covered services include Physician Services, Nursing Services, Psychology Services, Counseling Services, Social Work Services, Speech-Language Services, Audiology Services, Occupational Therapy, Physical Therapy, and Specialized Transportation.

There are additional services provided by school districts and charter schools that currently are outside the scope of billing for the MSBS program that are not covered in the current Medicaid state plan. Schools are not allowed to seek reimbursement from Medicaid for these services. The bill specifically identifies applied behavioral analysis and adaptive physical education; however, these are both services that are not currently included in the MSBS plan and would not be added as they are not viewed as related services under the Individuals with Disabilities Education Act (IDEA) (Section 300.34 CFR).

The addition of charter schools in this bill does not change any requirements for the MSBS Program as charter schools are already allowed to participate.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None