

CHAPTER 211  
SB 414-FN – FINAL VERSION

03/13/14 0842s  
30Apr2014... 1512h

2014 SESSION

14-2854  
04/09

SENATE BILL        ***414-FN***

AN ACT            relative to Medicaid-funded services provided as a part of a child's individualized education program.

SPONSORS:        Sen. Stiles, Dist 24; Sen. Kelly, Dist 10

COMMITTEE:      Health, Education and Human Services

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AMENDED ANALYSIS

This bill provides that Medicaid-funded individualized education services that are provided outside of a child's individualized education program shall not be considered duplicative services, as long as the services received both pursuant to and outside of the child's individualized education program are medically necessary and not inconsistent with federal Medicaid law.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to Medicaid-funded services provided as a part of a child’s individualized education program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           211:1 New Subdivision; Medicaid-Funded Services. Amend RSA 186-C by inserting after section  
2 28 the following new subdivision:

Medicaid-Funded Services

3           186-C:29 Medicaid-Funded Services.

4           I. Medicaid-funded services that are provided as part of a child’s individualized education  
5 program (IEP) shall be provided for the sole purpose of enabling the child to benefit from special  
6 education or to receive a free and appropriate public education. If a child receives Medicaid-funded  
7 services as part of the child’s special education program and also receives the same or similar  
8 medical services outside of his or her special education program, the services that are provided  
9 outside of the child’s special education program shall not be considered to be duplicative provided  
10 such services are medically necessary and not inconsistent with federal Medicaid law. Medicaid-  
11 funded services that are provided as part of a child’s individualized education program shall not be  
12 considered to be duplicative services if the child receives the same or similar medical services outside  
13 of his or her special education program, provided both services are medically necessary and not  
14 inconsistent with federal Medicaid law.  
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16           II. Services are considered to be Medicaid-funded if they are funded in full or in part by  
17 Medicaid.

18           III. Medicaid providers, managed care providers, or private providers receiving full or  
19 partial payment through Medicaid shall not require a parent to provide a copy of a child’s  
20 individualized education program as a prerequisite to determining if a child is eligible for Medicaid-  
21 funded services that are not being provided as part of a child’s individualized education program.

22           IV. Upon request from the state Medicaid agency or its agent, the local education agency  
23 shall provide a list of related services specified in the child’s IEP that are eligible for Medicaid  
24 reimbursement.

25           211:2 Effective Date. This act shall take effect 60 days after its passage.

26  
27 Approved: July 11, 2014

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1 Effective Date: September 9, 2014