

SENATE No. 277

By Mr. Boverini, a petition (accompanied by bill, Senate, No. 277) of the Massachusetts Federation of Teachers, AFT, AFL-CIO, by John Coleman Walsh, and Walter J. Boverini for legislation relative to third party payments for special education costs. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT RELATIVE TO THIRD PARTY PAYMENTS FOR SPECIAL
EDUCATION COSTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The first paragraph of section 5 of chapter 71B
2 of the General Laws, as appearing in section 11 of chapter 766
3 of the acts of 1972, is hereby amended by inserting after the
4 word "education," in line 5, the words: — provided, however,
5 that the school committee shall not be obligated to pay for
6 goods or services furnished under this chapter to the extent
7 such goods and services would be covered under public or pri-
8 vate insurance or benefits coverage in the absence of benefits
9 provided under this chapter. No insurance or benefits con-
10 tract shall deny benefits otherwise payable to any insured or
11 party because of said insured's or party's eligibility for bene-
12 fits under this chapter.

13 The school committee is authorized to provide goods and
14 services furnished under this chapter which are covered under
15 the Commonwealth's medical assistance program and to re-
16 ceive and enforce payment therefor; provided, that said school
17 committee and its certified personnel are eligible to participate
18 in said medical assistance program in accordance with any
19 applicable federal law, notwithstanding any other general or
20 special law, agency regulation, rule, agreement or policy. The
21 school committee is also authorized to receive and enforce
22 payment for eligible services from all other insurance or bene-
23 fit providers, provided that the school committee personnel are

24 certified by the Department of Education to deliver goods and
25 services of the kind provided or covered by such insurance or
26 benefit providers and, in the case of physicians and nurses
27 goods and services, the school committee personnel are school
28 physicians and registered nurses.

1 SECTION 2. The second sentence of the third paragraph of
2 section 13 of said Chapter 71B, as most recently amended by
3 Section 1 of Chapter 383 of the Acts of 1977, is hereby further
4 amended by inserting after the word "year" the first time it
5 appears, the following clause: — , which shall include any pay-
6 ments from public or private insurance or benefits coverage
7 payable to the school committee under section five.

1 SECTION 3. This act shall take effect upon its passage.