

280A.4 Behavioral health services provided via telehealth in a school setting.

1. A public school, accredited nonpublic school, or an area education agency may provide access to behavioral health services via telehealth on the premises of the public school, accredited nonpublic school, or area education agency. If a public school, an accredited nonpublic school, or an area education agency provides such access, the school or area education agency shall do all of the following:

a. Provide a secure, confidential, and private room for such services and the technology necessary to conduct telehealth services.

b. Maintain parent or guardian consent forms for the provision of such services. Consent forms shall be required for each academic year in which the student receives such services.

c. Maintain scheduling requests for student appointments for such services and provide the student access to the room by a school nurse or other appropriately trained school or area education agency employee.

d. Ensure that no school or area education agency employee is present in the same room as the student during the provision of such services.

e. Provide information to the student participating in telehealth services about how and to whom to report inappropriate behavior by a mental health professional.

f. Provide access to the student's parent or guardian to participate in any of the student's telehealth sessions.

2. The public school, accredited nonpublic school, or area education agency shall not have access to or handle any of the student's medical records or be responsible for billing for the telehealth services provided.

3. A mental health professional with prescribing authority who provides telehealth services in accordance with [this section](#) shall not prescribe any new medication to a student during a telehealth session. However, a mental health professional with prescribing authority may initiate new prescriptions, alter the dosage of an existing medication, or discontinue an existing medication for the treatment of the student's behavioral health condition after consultation with the student's parent or guardian.

4. The mental health professional shall notify the student's parent or guardian of the time and place for each scheduled telehealth session and specify the means available for the parent or guardian to participate in the session.

5. Protected health information, including but not limited to medical records and medical billing information, created by the mental health professional or primary care provider shall not be shared with or disclosed to a public school, accredited nonpublic school, or area education agency, unless disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the student or to a clearly identifiable person or persons and the mental health professional determines the student has the apparent intent and ability to carry out the threat.

6. A school district, an accredited nonpublic school, an area education agency, the board of directors of a school district or an area education agency, authorities in charge of the accredited nonpublic school, and employees of the school district, accredited nonpublic school or area education agency, shall not be liable for any injury arising from the provision of voluntary behavioral health screenings or behavioral health services in accordance with [this chapter](#), provided such person has acted reasonably and in good faith and in accordance with the provisions of [this chapter](#).

2020 Acts, ch 1105, §4

NEW section