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## FISCAL UPDATE Article

Fiscal Services Division

June 23, 2020



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### END OF SESSION — SF 2261 — TELEHEALTH IN SCHOOLS

**Description.** [Senate File 2261](#) establishes a framework for school districts, accredited nonpublic schools, and area education agencies (AEAs) to provide telehealth behavioral services in schools with the following provisions:

- A behavioral health screening may be conducted with a student's parent or guardian's written consent.
- Disclosure of the results to the school or AEAs is allowed if there is deemed to be a credible threat to the health and safety of the student or others.
- The Bill provides for a protocol if it is determined that the student should be referred for additional behavioral health services.
- The Bill identifies what establishes a valid provider-patient relationship.
- The Bill establishes protocols for how behavioral health services can be provided in a school setting.
- The Bill provides for the payment of behavioral health services provided through telehealth in a school setting.

**State Modifications to Telehealth Polices.** According to the National Conference of State Legislatures (NCSL), all 50 states and the District of Columbia have made some revisions to their telehealth polices in response to COVID-19, either through legislation, executive order, board rules, or Medicaid.

**Federal Legislation.** The Centers for Medicare and Medicaid Services (CMS) released guidance temporarily broadening access to telehealth services in Medicare under the Coronavirus Aid, Relief, and Economic Security (CARES) Act ([H.R. 748](#)). The guidance removes rural and site limitations so telehealth services can be provided regardless of the enrollee's geographical location and the type of site. CMS has also waived the requirement that a patient have a prior established relationship with a provider.

**Enactment Date.** The Bill was approved by the General Assembly on June 16, 2020, and is awaiting the Governor's signature.

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