

Senate File 2261 - Introduced

SENATE FILE 2261
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2100)

A BILL FOR

1 An Act relating to the provision of behavioral health services
2 including via telehealth in a school setting.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280A.1 Definitions.

2 As used in this section, unless the context otherwise
3 requires:

4 1. "*Accredited nonpublic school*" means any school, other
5 than a public school, that is accredited pursuant to section
6 256.11 for any and all levels for grades one through twelve.

7 2. "*Area education agency*" means an area education agency
8 established pursuant to chapter 273.

9 3. "*Behavioral health screening*" or "*screening*" means a
10 screening and assessment performed using a universal behavioral
11 health screening and assessment tool, approved for use by the
12 department of education in consultation with the department of
13 public health and the department of human services, to identify
14 factors that place children at higher risk for behavioral
15 health conditions, to determine appropriate treatment or
16 intervention, and to identify the need for referral for
17 appropriate services.

18 4. "*Behavioral health services*" means services provided
19 by a health care professional operating within the scope of
20 the health care professional's practice which address mental,
21 emotional, medical, or behavioral conditions, illnesses,
22 diseases, or problems.

23 5. "*Health care professional*" means a physician or other
24 health care practitioner licensed, accredited, registered, or
25 certified to perform specified health care services consistent
26 with state law.

27 6. "*In-person encounter*" means that the mental health
28 professional and the student are in the physical presence of
29 each other and are in the same physical location during the
30 provision of behavioral health services.

31 7. "*Mental health professional*" means the same as defined
32 in section 228.1.

33 8. "*Patient*" means a student receiving a behavioral health
34 screening or other behavioral health services in accordance
35 with this chapter.

1 9. "*Primary care provider*" means the personal provider
2 trained to provide the first contact and continuous and
3 comprehensive care to a patient and includes but is not limited
4 to any of the following licensed or certified health care
5 professionals who provide primary care:

6 a. A physician who is a family or general practitioner or a
7 pediatrician.

8 b. An advanced registered nurse practitioner.

9 c. A physician assistant.

10 10. "*Provider-patient relationship*" means the relationship
11 between the patient and the mental health professional that
12 meets the requirements for commencement and establishment of
13 a valid provider-patient relationship as specified in this
14 chapter.

15 11. "*Public school*" means any school directly supported in
16 whole or in part by taxation.

17 12. "*School district*" means a school district described in
18 chapter 274.

19 13. "*Student*" means a person enrolled in and attending an
20 accredited nonpublic school or a public school in grades one
21 through twelve.

22 14. "*Telehealth*" means the same as defined in section
23 514C.34.

24 Sec. 2. NEW SECTION. 280A.2 Behavioral health screenings
25 and assessments in school settings.

26 1. a. A school district, an accredited nonpublic school,
27 or an area education agency may contract with a mental health
28 professional or a nationally accredited behavioral health
29 care organization to provide behavioral health screenings to
30 students in person.

31 b. (1) A behavioral health screening may be conducted
32 following provision of written consent by the student's parent
33 or guardian for the student to participate in such screening
34 and to allow for the release of the results of the screening to
35 the student's primary care provider.

1 (2) The consent shall also allow for the disclosure of the
2 results of such screenings to the school district, accredited
3 nonpublic school, or area education agency, if the mental
4 health professional believes there is a credible threat to the
5 health and safety of the student or others.

6 2. If a mental health professional conducts an initial
7 behavioral health screening on the premises of a public school,
8 an accredited nonpublic school, or an area education agency and
9 determines that a student should be referred for additional
10 behavioral health services, all of the following shall apply:

11 a. The mental health professional shall notify the parent or
12 guardian of the student of the results of the screening.

13 b. The mental health professional shall notify the student's
14 primary care provider. If the student does not have a primary
15 care provider, the mental health professional shall provide
16 a listing of local primary care providers to the parent or
17 guardian.

18 Sec. 3. NEW SECTION. 280A.3 Establishment of
19 provider-patient relationship for services provided via
20 telehealth in a school setting.

21 1. A mental health professional who provides services
22 via telehealth in a public school, an accredited nonpublic
23 school, or an area education agency shall establish a valid
24 provider-patient relationship with the student who receives
25 telehealth services.

26 2. The provider-patient relationship commences when all of
27 the following conditions are met:

28 a. The student with the health-related matter with the
29 consent of the student's parent or guardian seeks assistance
30 from a mental health professional.

31 b. The mental health professional agrees to undertake
32 diagnosis and treatment of the student.

33 c. The student's parent or guardian agrees to have the
34 student treated by the mental health professional.

35 3. A valid provider-patient relationship may be established

1 through an in-person encounter which includes an in-person
2 medical interview and physical examination conducted under the
3 standard of care required for an in-person encounter.

4 4. The parent or guardian of a student shall consent
5 prior to the student receiving behavioral health services
6 via telehealth under this chapter after a provider-patient
7 relationship is established pursuant to this section. The
8 school district shall maintain any such consent form completed
9 by a parent or guardian.

10 Sec. 4. NEW SECTION. **280A.4 Behavioral health services**
11 **provided via telehealth in a school setting.**

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

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

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

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

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

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

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

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

7 3. A mental health professional with prescribing authority
8 who provides telehealth services in accordance with this
9 section shall not prescribe any new medication to a student
10 during a telehealth session. However, a mental health
11 professional with prescribing authority may initiate new
12 prescriptions, alter the dosage of an existing medication, or
13 discontinue an existing medication for the treatment of the
14 student's behavioral health condition after consultation with
15 the student's parent or guardian.

16 4. *a.* Prior to the initiation of behavioral health services
17 via telehealth in accordance with this section, the student's
18 primary care provider and the mental health professional
19 providing the telehealth services shall consult to develop a
20 plan for the purpose of coordinating the student's medical
21 care.

22 *b.* The plan shall ensure regular contact between the
23 student's primary care provider and the student's mental
24 health professional, and the sharing of such records as may be
25 necessary to jointly manage the student's medical care.

26 *c.* If the student receiving telehealth services does not
27 have a primary care provider, the mental health professional
28 shall provide a listing of local primary care providers to the
29 student's parent or guardian.

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

34 6. Protected health information, including but not limited
35 to medical records and medical billing information, created

1 by the mental health professional or primary care provider
2 shall not be shared with or disclosed to a public school,
3 accredited nonpublic school, or area education agency, unless
4 disclosure is necessary to prevent or lessen a serious and
5 imminent threat to the health or safety of the student or to a
6 clearly identifiable person or persons and the mental health
7 professional determines the student has the apparent intent and
8 ability to carry out the threat.

9 7. A school district, an accredited nonpublic school,
10 an area education agency, the board of directors of a school
11 district or an area education agency, authorities in charge of
12 the accredited nonpublic school, and employees of the school
13 district, accredited nonpublic school or area education agency,
14 shall not be liable for any injury arising from the provision
15 of voluntary behavioral health screenings or behavioral health
16 services in accordance with this chapter, provided such person
17 has acted reasonably and in good faith.

18 Sec. 5. NEW SECTION. 514C.35 Behavioral health services
19 provided in a school — coverage.

20 1. Notwithstanding the uniformity of treatment requirements
21 of section 514C.6, a policy, contract, or plan providing for
22 third-party payment or prepayment of health or medical expenses
23 shall not deny coverage or payment for behavioral health
24 services, including behavioral health services provided via
25 telehealth, solely because the services are delivered in a
26 school.

27 2. Nothing in this section shall be interpreted to do any
28 of the following:

29 a. Require an insurer to pay for behavioral health services
30 that are otherwise excluded from coverage under a policy,
31 contract, or plan.

32 b. Require an insurer to pay for behavioral health services
33 that are provided by an individual employed by or under
34 contract with a school district or an educational service
35 agency in a regular full-time or part-time position, or any

1 other party that has not entered into a provider agreement with
2 the insurer.

3 c. Prevent application of any other provision of a policy,
4 contract, or plan.

5 3. This section applies to third-party payment provider
6 policies, contracts, or plans delivered, issued for delivery,
7 continued, or renewed in this state on or after January 1,
8 2021, and to claims for reimbursement under such policies,
9 contracts, or plans incurred on or after January 1, 2021.

10 4. For the purposes of this section:

11 a. "*Behavioral health services*" means services provided
12 by a health care professional operating within the scope of
13 the health care professional's practice which address mental,
14 emotional, medical, or behavioral conditions, illnesses,
15 diseases, or problems.

16 b. "*Educational service agency*" means a governmental
17 agency or government entity which is established and operated
18 exclusively for the purpose of providing educational services
19 to one or more educational institutions.

20 c. "*Health care professional*" means a physician or other
21 health care practitioner licensed, accredited, registered, or
22 certified to perform specified health care services consistent
23 with state law.

24 d. "*School*" means all of the following:

25 (1) A any school, other than a public school, that is
26 accredited pursuant to section 256.11 for any and all levels
27 for grades one through twelve.

28 (2) Any school directly supported in whole or in part by
29 taxation.

30 (3) An area education agency established pursuant to
31 chapter 273.

32 e. "*School district*" means a school district described in
33 chapter 274.

34 f. "*Telehealth*" means the same as defined in section
35 514C.34.

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

3

4 This bill provides for the provision of behavioral health
5 screenings and services through a school setting, including in
6 person and via telehealth.

7 The bill authorizes a school district, an accredited
8 nonpublic school, or an area education agency to contract
9 with a mental health professional or a nationally accredited
10 behavioral health care organization to provide behavioral
11 health screenings to students in person, upon written consent
12 by the student's parent or guardian and to allow for the
13 release of the results of the screening to the student's
14 primary care provider.

15 The bill specifies the requirements for the establishment
16 of a provider-patient relationship for purposes of mental
17 health professionals providing behavioral health services via
18 telehealth in a public school, an accredited nonpublic school,
19 or an area education agency setting.

20 The bill authorizes a public school, accredited nonpublic
21 school, and area education agency to provide access to
22 behavioral health services via telehealth on the premises
23 of the public school, accredited nonpublic school, or area
24 education agency, specifies the parameters for the provision of
25 such services, and provides immunity for entities that provide
26 such services acting reasonably and in good faith.

27 The bill prohibits the denial of private health insurance
28 coverage or payment for behavioral health services, including
29 the provision of such services via telehealth solely because
30 the services are delivered in a school.