
DIGEST

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HB 872 Reengrossed

2024 Regular Session

Miller

Abstract: Provides relative to behavioral health services for public school students.

Present law prohibits a public school governing authority from denying student access to behavioral health service providers at school during school hours if requested by the student's parent or legal guardian. Requires such governing authorities to adopt and make available to the public policies that include requirements for providers relative to liability insurance coverage; criminal background checks; compliance with students' specific education, behavior, or health plans; and reporting students' progress. Further requires that such policies include:

- (1) Behavioral health services shall be provided during school hours if the student's behavioral health evaluation indicates that the services are necessary. Proposed law specifies that such services must be medically necessary and authorized by an independent third party payor including but not limited to Medicaid or commercial insurance.
- (2) Such services may be provided during instructional time in English, reading, mathematics, and science if the governing authority and the provider agree that it is in the best interest of the student. Proposed law further provides such services may be provided during any part of the school day, including any and all instructional time. Proposed law removes condition that the public school governing authority and the behavioral health provider are required to agree that is in the best interest of the student and instead requires the school administrator and service provider to collaborate on a schedule for the student. Proposed law requires, if a schedule cannot be decided on for the student between the school administrator and service provider, that they engage in a dispute resolution process set forth by the state Dept. of Education.

Present law requires a provider to complete a criminal background check.

Proposed law exempts providers who are licensed, certified, or registered by the La. Behavior Analyst Bd., who are in good standing with the board, and who provide documentation of having passed a criminal background check with the La. State Police from passing a subsequent check.

Proposed law prohibits any person who has been convicted of or pled nolo contendere to a crime listed in present law (R.S. 15:587.1(C)) from providing behavioral health services to a student at school during school hours.

Proposed law prohibits a public school governing authority from prohibiting a behavioral health

evaluation, assessment, or authorized treatment plan from being performed on school property in order to establish medical necessity or deliver medically necessary services.

Proposed law requires services provided to be delivered by providers licensed, certified, or registered by the La. Behavior Analyst Bd. and certain other persons not subject to licensing by the board.

Proposed law requires the State Bd. of Elementary and Secondary Education to promulgate rules as necessary to implement the provisions of present law and proposed law. Requires the rulemaking process relative to certain proposed law commence by Sept. 1, 2024.

(Amends R.S. 17:173(A); Adds R.S. 17:173(B)(7) and (8))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Prohibit any person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C) from providing behavioral health services to a student at school during school hours.
2. Expand subsequent criminal background check exemption to cover all providers who are licensed, certified, or registered by the La. Behavior Analyst Bd. who provide documentation of having passed a criminal background check with the La. State Police, instead of only those who have passed a background check within the previous year.
3. Limit the prohibition on a public school governing authority's ability to prohibit a behavioral health evaluation, assessment, or authorized treatment plan to only when establishing medical necessity or when delivering medically necessary services.
4. Remove condition that a public school governing authority and a behavioral health provider are required to agree that is in the best interest of the student for behavioral health services to be provided to a student during instructional time and instead require the school administrator and service provider to collaborate on a schedule for the student.
5. Require the school administrator and service provider to enter into a dispute resolution process set forth by the state Dept. of Education if they cannot come to an agreement on a schedule for the student.
6. Require BESE to begin the rulemaking process for promulgating rules for the implementation of certain proposed law by Sept. 1, 2024.
7. Remove proposed law regarding disputes between the school governing authority and the behavioral health provider regarding an assessment or treatment plan.