

HOUSE BILL 7066

By Jernigan

AN ACT to amend Tennessee Code Annotated, Title 33; Title 63 and Title 68, relative to mental health services for youth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Temporary Youth Mental Health Services Program Act."

SECTION 2. Tennessee Code Annotated, Title 33, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) The general assembly finds and declares the following:

(1) The COVID-19 pandemic has put extraordinary stress on all Tennesseans, including young Tennesseans who have experienced enormous disruptions to school, social activities, and support networks, resulting in increased isolation and, in many cases, new or exacerbated instability, particularly as a result of a parent's loss of employment or loss of stable housing;

(2) As experts sound alarms about the state of youth mental health, both now and looking into the future, the general assembly recognizes that recovery from the pandemic will depend on youth having access to mental health support, regardless of their ability to pay for it;

(3) For years, Tennessee schools have been fundamentally rethinking school safety by centering on the social, emotional, and mental health needs of young people. In 2020 and 2021, teachers and school counselors faced unprecedented burdens. As Tennessee transitions beyond the COVID-19 pandemic, the state's youth need the support of their parents, families,

communities, and mental health professionals beyond school walls to address the pain, trauma, and loneliness they are experiencing;

(4) Mental and behavioral health care coordination is a significant challenge for many Tennesseans. Providing mental health sessions free of charge to youth across the state can help break down barriers to access and create a sustainable community of care and long-lasting relationships between youth and mental health professionals;

(5) Recognizing disparities in access to mental health care by race, neurodiversity, and geography, the general assembly finds it is essential for mental health services programs to actively seek out providers who reflect the diversity of Tennessee's youth and for communities to help raise awareness and disseminate information about mental health services, especially to marginalized youth; and

(6) Therefore, the general assembly declares that immediate action is necessary to support the mental health of all Tennessee youth by facilitating access to a mental health screening and providing mental health sessions free of charge to youth in order to respond to identified mental health needs. In doing so, Tennessee can build back stronger from the pandemic and get closer to achieving the state's long-term mental and behavioral health reform goals.

(b) As used in this section:

(1) "Department" means the department of mental health and substance abuse services;

(2) "Portal" means the website or web-based application described in subsection (e) that facilitates the program;

(3) "Program" means the temporary youth mental health services program established in this section;

(4) "Provider" means the following healthcare professionals who are licensed, registered, permitted, or otherwise authorized by title 63 or title 68 to deliver healthcare to patients in this state:

- (A) Psychiatrist;
- (B) Psychologist;
- (C) Master's social worker;
- (D) Clinical social worker;
- (E) Marriage and family therapist;
- (F) Professional counselor; and
- (G) Alcohol and drug abuse counselor;

(5) "Psychiatrist" means a physician who has completed a residency in psychiatry and whose practice is primarily limited to psychiatry;

(6) "Telehealth" has the same meaning as defined in § 63-1-155;

(7) "Youth" means:

(A) A person who is eighteen (18) years of age or younger; and

(B) A person who is twenty-one (21) years of age or younger, but older than eighteen (18) years of age, who is receiving special education services pursuant to title 49, chapter 10.

(c)

(1) There is established within the department a temporary youth mental health services program to facilitate access to mental health services for youth, including substance use disorder services, to respond to mental health needs identified in an initial mental health screening through the portal, including those

needs that may have resulted from the Covid-19 pandemic. The department shall reimburse providers for up to three (3) mental health sessions with a youth.

(2)

(A) The department shall reimburse providers who participate in the program for each mental health session with a youth, either in-person or via telehealth, up to a maximum of three (3) sessions per youth client. The department may reimburse a provider for additional sessions, subject to available funding.

(B) To be eligible for reimbursement from the program, a provider must be available to provide three (3) mental health sessions to each youth the provider accepts as a client.

(3) A provider shall maintain client confidentiality pursuant to state and federal law with regard to a youth client who participates in a mental health session with the provider that is reimbursed pursuant to the program.

(d) The department shall:

(1) Develop a process consistent with the requirements of this section for providers to apply for, and demonstrate eligibility to receive, reimbursement from the program;

(2) Determine a reasonable rate of reimbursement of each mental health session with a youth client pursuant to the program, which rate must be the same regardless of whether the appointment is a telehealth or an in-person appointment; and

(3) Implement a statewide public awareness and outreach campaign about the program. It is the intent of the general assembly that the department involve schools, neighborhood youth organizations, healthcare providers, faith-

based organizations, and other community-based organizations that interact with youth at the local level when disseminating information about the program.

(e) No later than December 1, 2023, the department shall enter into an agreement with a vendor to create or use an existing website or web-based application as a portal available to youth and providers to facilitate the program. The portal must:

(1) Serve as a platform for initial age-appropriate mental health screenings to determine if a youth may benefit from mental health support;

(2) Allow providers to register and share in-person or telehealth appointment availability;

(3) When possible, connect youth with providers who accept the youth's insurance or payment source that may cover the costs of ongoing mental health treatment, if the youth has insurance or a payment source; and

(4) Allow a youth, regardless of whether the youth has insurance or another payment source, to schedule telehealth or, when available, in-person appointments with a provider.

(f) On or before February 1, 2024, and on or before February 1 each year thereafter, the department shall deliver a report to the health and welfare committee of the senate, the health committee of the house of representatives, and the legislative librarian on the status of the program. The report must include the number of youth who received services under the program, aggregated information about the services provided to youth under the program, and other information the department deems relevant to the report. The department shall ensure that no personally identifying information or other information protected under state or federal law is included in the report.

SECTION 3. The department of mental health and substance abuse services is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.