

1 **MENTAL HEALTH SERVICES IN SCHOOLS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lincoln Fillmore**

5 House Sponsor: Susan Pulsipher

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions relating to coverage of certain mental health services by the
10 Medicaid program and certain health insurers.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the Department of Health to develop a proposal and submit a state plan
14 amendment to allow the state Medicaid program to be billed for certain mental
15 health services provided in a public school;

16 ▶ prohibits certain health benefit plans offered on or after January 1, 2020, from
17 denying a claim for mental health services solely because they are provided by a
18 public school employee or in a public school; and

19 ▶ prohibits a local education agency from billing for certain health care services.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **26-18-419**, Utah Code Annotated 1953

27 **31A-22-650**, Utah Code Annotated 1953

28 **53G-7-217**, Utah Code Annotated 1953

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26-18-419** is enacted to read:

32 **26-18-419. Medicaid waiver for coverage of mental health services in schools.**

33 (1) As used in this section, "local education agency" means:

34 (a) a school district;

35 (b) a charter school; or

36 (c) the Utah Schools for the Deaf and the Blind.

37 (2) In consultation with the Department of Human Services and the State Board of

38 Education, the department shall develop a proposal to allow the state Medicaid program to

39 reimburse a local education agency, a local mental health authority, or a private provider for

40 covered mental health services provided:

41 (a) in accordance with Section [53E-9-203](#); and

42 (b) (i) at a local education agency building or facility; or

43 (ii) by an employee or contractor of a local education agency.

44 (3) Before January 1, 2020, the department shall apply to CMS for a state plan

45 amendment to implement the coverage described in Subsection (2).

46 Section 2. Section **31A-22-650** is enacted to read:

47 **31A-22-650. Coverage for mental health services in schools.**

48 (1) As used in this section, "local education agency" means:

49 (a) a school district;

50 (b) a charter school; or

51 (c) the Utah Schools for the Deaf and the Blind.

52 (2) A health benefit plan that is entered into or renewed on or after January 1, 2020,

53 may not deny a claim for a covered mental health service solely because the mental health

54 service is provided:

55 (a) at a local education agency building or facility; or

56 (b) by an employee or contractor of a local education agency.

57 (3) Nothing in this section:

- 58 (a) prohibits a health benefit plan from denying a claim:
 - 59 (i) by an individual that is not a licensed health care provider;
 - 60 (ii) by a health care provider practicing outside the health care provider's scope of
 - 61 practice;
 - 62 (iii) that is submitted by a person that is not a network provider;
 - 63 (iv) for a mental health service that is not medically necessary as determined by the
 - 64 health benefit plan; or
 - 65 (v) that does not otherwise comply with the health benefit plan's policies; or
 - 66 (b) requires a health benefit plan to pay a claim for a service that is:
 - 67 (i) provided under an individualized education program as defined in Section
 - 68 53E-4-301; or
 - 69 (ii) administrative in nature to the local education agency.
- 70 Section 3. Section **53G-7-217** is enacted to read:
- 71 **53G-7-217. Prohibition on billing for certain health care services.**
- 72 A local education agency, or an employee or contractor of a local education agency,
- 73 may not bill:
- 74 (1) a health benefit plan as defined in Section 31A-1-301, for any service that is:
 - 75 (a) provided under an individualized education program as defined in Section
 - 76 53E-4-301; or
 - 77 (b) administrative in nature to the local education agency; or
 - 78 (2) a student or a student's family for a service that is:
 - 79 (a) performed by the local education agency or an employee or contractor of a local
 - 80 education agency; and
 - 81 (b) not covered by the student's health benefit plan.