

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 579

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO BEHAVIORAL HEALTH; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-142, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING OPTIONAL BEHAVIORAL HEALTH TELEHEALTH SERVICES IN PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-142, Idaho Code, and to read as follows:

33-142. BEHAVIORAL HEALTH TELEHEALTH IN SCHOOLS. (1) A public school or public charter school may provide access to behavioral health services via telehealth on the premises of the public school or public charter school. The mental health professional providing such services shall be selected by the student and the student's parents. The public school or public charter school may furnish an unbiased, inclusive list of mental health professionals who provide behavioral health telehealth services, including both agencies and individuals, if requested by the student's parents. If a public school or public charter school provides such access, the school shall:

- (a) Provide a secure, confidential, and private room for such services and the technology necessary to conduct telehealth services;
- (b) Maintain parent or guardian consent forms for the provision of such services. Consent forms shall be required for each academic year in which the student receives such services;
- (c) Maintain scheduling requests for student appointments for such services and provide the student access to the room by a school nurse or other appropriately trained school employee;
- (d) Ensure that no school employee is present in the same room as the student during the provision of such services;
- (e) Provide information to the student participating in telehealth services about how and to whom to report inappropriate behavior by a mental health professional; and
- (f) Provide the student's parent or guardian access to participate in any of the student's telehealth sessions.

(2) The public school or public charter school shall not have access to or handle any of the student's medical records or be responsible for billing for the telehealth services provided.

(3) A mental health professional with prescribing authority who provides telehealth services in accordance with the provisions of this section shall not prescribe any new medication to a student during a telehealth session. However, a mental health professional with prescribing authority may initiate a new prescription, alter the dosage of an existing medication, or

1 discontinue an existing medication for the treatment of the student's be-
2 havioral health condition after consultation with the student's parent or
3 guardian.

4 (4) The mental health professional shall notify the student's parent
5 or guardian of the time and place for each scheduled telehealth session and
6 specify the means available for the parent or guardian to participate in the
7 session.

8 (5) Protected health information, including but not limited to medical
9 records and medical billing information created by the mental health pro-
10 fessional or primary care provider, shall not be shared with or disclosed to
11 a public school or public charter school unless disclosure is necessary to
12 prevent or lessen a serious and imminent threat to the health or safety of
13 the student or to any clearly identifiable person or persons and the mental
14 health professional determines the student has the apparent intent and abil-
15 ity to carry out the threat.

16 (6) A school district, a public charter school, the board of directors
17 of a school district, authorities in charge of the public charter school,
18 and employees of the school district or public charter school, acting rea-
19 sonably and in good faith and in accordance with the provisions of this sec-
20 tion, shall not be liable for any injury arising from the provision of vol-
21 untary behavioral health screenings or behavioral health services in accor-
22 dance with the provisions of this section.

23 SECTION 2. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after
25 July 1, 2024.