

HOUSE BILL 786

F1, C3

7lr3187

By: **Delegates Angel, Morales, Branch, Cullison, Davis, Glenn, C. Howard, Korman, A. Miller, Mosby, Pena-Melnyk, Platt, Queen, Sanchez, A. Washington, and Wilkins**

Introduced and read first time: February 3, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2017

Returned to second reading: March 16, 2017

House action: Adopted with floor amendments

Read second time: March 16, 2017

CHAPTER _____

1 AN ACT concerning

2 **Education – Individualized or Group Behavioral Counseling Services –**
3 **~~Requirements~~ Establishment**

4 FOR the purpose of ~~authorizing school-based personnel to recommend a student to a~~
5 ~~certain guidance counselor or a certain counseling program to determine whether~~
6 ~~the student needs a behavioral health assessment; requiring a certain guidance~~
7 ~~counselor or a certain counseling program to obtain certain permission to assist a~~
8 ~~certain student in obtaining a behavioral health assessment, under certain~~
9 ~~circumstances; requiring a certain guidance counselor or a certain counseling~~
10 ~~program, subject to a certain provision of law, to obtain certain permission of the~~
11 ~~parent or guardian of a certain student to arrange certain services; requiring a public~~
12 ~~school, subject to certain conditions, to provide space in the public school building for~~
13 ~~a certain purpose and to work with a certain student and a certain health care~~
14 ~~provider to schedule certain services at a certain time in a certain manner; requiring,~~
15 ~~in accordance with a certain provision of law, an insurer, nonprofit health service~~
16 ~~plan, or health maintenance organization to pay benefits for covered services~~
17 ~~provided by a health care provider to an individual under certain circumstances~~
18 requiring the State Department of Education, in conjunction with the Department
19 of Health and Mental Hygiene, to recommend best practices for county boards of
20 education to provide to students certain needs assessments and certain behavioral

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 health counseling services; prohibiting certain insurance policies or contracts from
 2 denying a covered medically necessary behavioral health care service to a student
 3 under certain circumstances; defining certain terms; providing for the application of
 4 this Act; and generally relating to requirements for individualized behavioral health
 5 counseling services in public schools.

6 BY adding to

7 Article – Education

8 Section 7–440

9 Annotated Code of Maryland

10 (2014 Replacement Volume and 2016 Supplement)

11 BY adding to

12 Article – Insurance

13 Section ~~15–716~~ 15–510

14 Annotated Code of Maryland

15 (2011 Replacement Volume and 2016 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 17 That the Laws of Maryland read as follows:

18 **Article – Education**

19 **7–440.**

20 ~~(A) IN THIS SECTION, “HEALTH CARE PROVIDER” HAS THE MEANING~~
 21 ~~STATED IN § 20–104 OF THE HEALTH – GENERAL ARTICLE.~~

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
 23 **INDICATED.**

24 **(2) “BEHAVIORAL HEALTH COUNSELING SERVICES” MEANS**
 25 **PREVENTION, INTERVENTION, AND TREATMENT SERVICES FOR THE**
 26 **SOCIAL–EMOTIONAL, PSYCHOLOGICAL, BEHAVIORAL, AND PHYSICAL HEALTH OF**
 27 **STUDENTS, INCLUDING MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.**

28 **(3) “HEALTH CARE PROVIDER” HAS THE MEANING STATED IN §**
 29 **20–104 OF THE HEALTH – GENERAL ARTICLE.**

30 **(B) (1) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF**
 31 **HEALTH AND MENTAL HYGIENE, SHALL RECOMMEND BEST PRACTICES FOR**
 32 **COUNTY BOARDS OF EDUCATION TO PROVIDE TO STUDENTS:**

33 **(I) BEHAVIORAL NEEDS ASSESSMENTS; AND**

1 (II) INDIVIDUALIZED OR GROUP BEHAVIORAL HEALTH
2 COUNSELING SERVICES WITH A HEALTH CARE PROVIDER THROUGH A
3 SCHOOL-BASED HEALTH CENTER OR THROUGH COMMUNITY PARTNERED
4 SCHOOL-BASED BEHAVIORAL HEALTH SERVICES.

5 ~~(B) (1) SCHOOL BASED PERSONNEL MAY RECOMMEND A STUDENT TO~~
6 ~~THE SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING PROGRAM TO~~
7 ~~DETERMINE WHETHER THE STUDENT NEEDS A BEHAVIORAL HEALTH ASSESSMENT.~~

8 ~~(2) (i) IF A STUDENT IS DETERMINED TO NEED A BEHAVIORAL~~
9 ~~HEALTH ASSESSMENT, THE SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL~~
10 ~~COUNSELING PROGRAM SHALL OBTAIN THE SIGNED PERMISSION OF THE PARENT~~
11 ~~OR GUARDIAN OF A STUDENT RECOMMENDED UNDER PARAGRAPH (1) OF THIS~~
12 ~~SUBSECTION TO ASSIST THE STUDENT IN OBTAINING THE BEHAVIORAL HEALTH~~
13 ~~ASSESSMENT.~~

14 ~~(H) THE SIGNED PERMISSION SHALL INCLUDE AN~~
15 ~~EXPLANATION OF:~~

16 ~~1. THE REASONS FOR RECOMMENDING THE~~
17 ~~BEHAVIORAL HEALTH ASSESSMENT; AND~~

18 ~~2. THE OPTIONS FOR OBTAINING THE BEHAVIORAL~~
19 ~~HEALTH ASSESSMENT.~~

20 ~~(3) IF A STUDENT IS DETERMINED TO HAVE A BEHAVIORAL HEALTH~~
21 ~~DIAGNOSIS, THE SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING~~
22 ~~PROGRAM SHALL, SUBJECT TO § 20-102(C) OF THE HEALTH GENERAL ARTICLE,~~
23 ~~OBTAIN THE SIGNED PERMISSION OF THE PARENT OR GUARDIAN OF THE STUDENT~~
24 ~~TO ALLOW SCHOOL BASED PERSONNEL TO ARRANGE INDIVIDUALIZED COUNSELING~~
25 ~~SERVICES WITH A HEALTH CARE PROVIDER THROUGH A SCHOOL BASED HEALTH~~
26 ~~CENTER OR AT THE PUBLIC SCHOOL.~~

27 ~~(4) THE SIGNED PERMISSION SHALL INCLUDE LANGUAGE ADVISING~~
28 ~~THE PARENT OR GUARDIAN THAT:~~

29 ~~(i) THE INDIVIDUALIZED COUNSELING SERVICES MAY BE~~
30 ~~COVERED SERVICES UNDER THE STUDENT'S HEALTH INSURANCE POLICY OR~~
31 ~~CONTRACT; AND~~

32 ~~(ii) THE PARENT OR GUARDIAN SHOULD CHECK WITH THE~~
33 ~~INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE~~
34 ~~ORGANIZATION THAT ISSUED OR DELIVERED THE HEALTH INSURANCE POLICY OR~~
35 ~~CONTRACT TO DETERMINE;~~

~~1. WHETHER THE HEALTH CARE PROVIDER AT THE SCHOOL-BASED HEALTH CENTER OR PUBLIC SCHOOL IS A PARTICIPATING PROVIDER UNDER THE HEALTH INSURANCE POLICY OR CONTRACT; AND~~

~~2. THE COST SHARING THAT APPLIES IF THE HEALTH CARE PROVIDER IS NOT A PARTICIPATING PROVIDER UNDER THE HEALTH INSURANCE POLICY OR CONTRACT.~~

~~(c) EACH PUBLIC SCHOOL SHALL:~~

~~(1) AS PRACTICAL AND AVAILABLE, PROVIDE SPACE IN THE PUBLIC SCHOOL BUILDING FOR A STUDENT AND HEALTH CARE PROVIDER TO MEET DURING SCHOOL HOURS FOR INDIVIDUALIZED COUNSELING SERVICES; AND~~

~~(2) WORK WITH A STUDENT AND THE STUDENT'S HEALTH CARE PROVIDER TO SCHEDULE INDIVIDUALIZED COUNSELING SERVICES DURING SCHOOL HOURS WITH MINIMAL DISRUPTION TO THE STUDENT'S ACADEMIC SCHEDULE.~~

~~Article - Insurance~~

~~15-716.~~

~~(A) THIS SECTION APPLIES TO EACH INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICY OR CONTRACT THAT IS ISSUED OR DELIVERED IN THE STATE BY AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION.~~

~~(B) IN ACCORDANCE WITH § 15-802 OF THIS TITLE, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION SHALL PAY BENEFITS FOR COVERED SERVICES PROVIDED BY A HEALTH CARE PROVIDER TO AN INDIVIDUAL WHO:~~

~~(1) IS AN INSURED OR ENROLLEE UNDER A POLICY OR CONTRACT SUBJECT TO THIS SECTION; AND~~

~~(2) RECEIVES THE COVERED SERVICES AT A SCHOOL-BASED HEALTH CENTER OR A PUBLIC SCHOOL IN ACCORDANCE WITH § 7-440 OF THE EDUCATION ARTICLE.~~

~~Article - Insurance~~

~~15-510.~~

1 NO INDIVIDUAL, GROUP, OR BLANKET INSURANCE POLICY OR CONTRACT
 2 ISSUED OR DELIVERED IN THE STATE BY AN INSURER, A NONPROFIT HEALTH
 3 SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION MAY DENY A COVERED
 4 MEDICALLY NECESSARY BEHAVIORAL HEALTH CARE SERVICE PROVIDED BY A
 5 PARTICIPATING PROVIDER TO A MEMBER WHO IS A STUDENT SOLELY ON THE BASIS
 6 THAT THE SERVICE IS PROVIDED AT A PUBLIC SCHOOL OR THROUGH A
 7 SCHOOL-BASED HEALTH CENTER UNDER § 7-440 OF THE EDUCATION ARTICLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
 9 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
 10 after July 1, 2017.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 12 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.