

Chapter 583

(House Bill 786)

AN ACT concerning

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

FOR the purpose of ~~authorizing school-based personnel to recommend a student to a certain guidance counselor or a certain counseling program to determine whether the student needs a behavioral health assessment; requiring a certain guidance counselor or a certain counseling program to obtain certain permission to assist a certain student in obtaining a behavioral health assessment, under certain circumstances; requiring a certain guidance counselor or a certain counseling program, subject to a certain provision of law, to obtain certain permission of the parent or guardian of a certain student to arrange certain services; requiring a public school, subject to certain conditions, to provide space in the public school building for a certain purpose and to work with a certain student and a certain health care provider to schedule certain services at a certain time in a certain manner; requiring, in accordance with a certain provision of law, an insurer, nonprofit health service plan, or health maintenance organization to pay benefits for covered services provided by a health care provider to an individual under certain circumstances requiring the State Department of Education~~ Department of Health and Mental Hygiene, in conjunction with the State Department of Health and Mental Hygiene Education, to recommend best practices for county boards of education to provide to students certain needs assessments and certain behavioral health counseling services; providing for the construction of certain provisions of this Act; prohibiting certain insurance policies or contracts from denying a covered medically necessary behavioral health care service to a student under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to requirements for individualized behavioral health counseling services in public schools.

BY adding to

Article – Education

Section 7–440

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section ~~15–716~~ 15–510

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Education

7-440.

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

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

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

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

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

(I) BEHAVIORAL NEEDS ASSESSMENTS; AND

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

(C) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A COUNTY BOARD TO PROVIDE BEHAVIORAL NEEDS ASSESSMENTS OR INDIVIDUALIZED OR GROUP BEHAVIORAL HEALTH COUNSELING SERVICES TO STUDENTS.

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

~~(2) (i) IF A STUDENT IS DETERMINED TO NEED A BEHAVIORAL HEALTH ASSESSMENT, THE SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING PROGRAM SHALL OBTAIN THE SIGNED PERMISSION OF THE PARENT~~

~~OR GUARDIAN OF A STUDENT RECOMMENDED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO ASSIST THE STUDENT IN OBTAINING THE BEHAVIORAL HEALTH ASSESSMENT.~~

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

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

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

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

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

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

~~(ii) THE PARENT OR GUARDIAN SHOULD CHECK WITH THE INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION THAT ISSUED OR DELIVERED THE HEALTH INSURANCE POLICY OR 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.

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

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

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

Approved by the Governor, May 25, 2017.