

RÉSUMÉ DIGEST

ACT 745 (HB 872)

2024 Regular Session

Miller

Existing law prohibits a public school governing authority from denying a student access to behavioral health service providers at school during school hours if requested by the student's parent or legal guardian. New law specifies the services requested must be medically necessary and authorized by an independent third-party payor including but not limited to Medicaid or commercial insurance.

Existing law requires such governing authorities to adopt and make available to the public policies for the implementation of existing law. Prior law, existing law, and new law relative to such policies provide the following:

- (1) At a minimum, existing law requires that policies require behavioral health providers to complete a criminal background check. New law specifies the background check is required before providing services and further provides that no person providing behavioral health services to a student at a school during school hours can have been convicted of or pled nolo contendere to certain crimes enumerated in existing law (R.S. 15:587.1(C)). New law exempts providers who are licensed, certified, or registered by the La. Behavior Analyst Bd., who are in good standing with the board, and who provide documentation of having passed a criminal background check with the La. State Police from passing a subsequent check.
- (2) Existing law requires that such policies include behavioral health services shall be permitted during school hours if the student's guardian presents a behavioral health evaluation performed by an evaluator chosen by the guardian and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments that the evaluator determines are interfering with the student's ability to thrive in the educational setting. New law specifies that in addition to a behavioral health evaluation performed by an evaluator, an assessment and authorized treatment plan shall be performed by a behavioral health provider. New law also specifies the behavioral health impairments need to be associated with a medical diagnosis.
- (3) Prior law required the public school governing authority policy to authorize behavioral health services to be provided during instructional time in English, reading, mathematics, and science if the governing authority and the provider agreed that it was in the best interest of the student. New law provides such policy shall authorize services to be provided during any part of the school day, including any and all instructional time in such subject areas. New law removes condition that the public school governing authority and the behavioral health provider are required to agree that such schedule is in the best interest of the student and instead requires the school administrator and service provider to collaborate on a schedule for the student. New law requires, if a schedule cannot be decided on for the student between the school administrator and service provider, that they engage in a dispute resolution process set forth by the state Dept. of Education in accordance with new law.
- (4) New law prohibits such policy from prohibiting a behavioral health evaluation, assessment, or authorized treatment plan from being performed on school property in order to establish medical necessity or deliver medically necessary services.

New law requires services provided to be delivered by providers licensed, certified, or registered by the La. Behavior Analyst Bd. or certain other persons not subject to licensing by the board.

New law requires the State Bd. of Elementary and Secondary Education to promulgate rules as necessary to implement the provisions of existing law and new law. Requires the rulemaking process relative to commence by Sept. 1, 2024.

Effective upon signature of governor (June 19, 2024).

(Amends R.S. 17:173(A); Adds R.S. 17:173(B)(7) and (8) and (D))