

2026 Regular Session

HOUSE BILL NO. 1022

BY REPRESENTATIVE JACKSON

HEALTH/SCHOOL CLINICS: Provides relative to health services provided to students

1 AN ACT

2 To amend and reenact R.S. 17:173(A)(1) through (5) and (B) and 3996(B)(48) and to enact  
3 R.S. 17:173(C)(4), relative to health services provided to students; to require public  
4 school governing authorities to adopt policies providing for the provision of primary  
5 health services to students by primary care providers; to provide for definitions; to  
6 provide relative to certain contracts; to require the State Board of Elementary and  
7 Secondary Education to adopt rules; to provide for applicability; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:173(A)(1) through (5) and (B) and 3996(B)(48) are hereby  
11 amended and reenacted and R.S. 17:173(C)(4) is hereby enacted to read as follows:

12 §173. Behavioral health and primary health services for students

13 A.(1)(a) A public school governing authority shall not prohibit a behavioral  
14 health provider or primary care provider from providing medically necessary  
15 behavioral health or primary health services authorized by an independent third-party  
16 payor, including but not limited to Medicaid and commercial insurance, to a student  
17 at school during school hours if the student's parent or legal guardian requests such  
18 services from the provider.

19 (b) The provisions of this Section shall apply to behavioral health services  
20 and primary health services provided on a school campus through a school-based

1 health clinic or other provider arrangement; however, nothing in this Section shall  
2 be construed to require any public school governing authority or school to establish  
3 or provide such services.

4 (2) Each public school governing authority shall adopt and make available  
5 to the public a policy to implement the provisions of this Section. The policy shall  
6 not create onerous requirements for behavioral health providers or primary care  
7 providers resulting in a delay or barrier to the provision of medically necessary  
8 services. The policy, at a minimum, shall provide that:

9 (a) ~~A~~ Each behavioral health provider who provides behavioral health  
10 services and primary care provider who provides primary health services pursuant  
11 to this Section shall maintain general liability insurance coverage in an amount not  
12 less than one million dollars per occurrence and one million dollars per aggregate  
13 and provide a certificate of insurance naming the public school as the certificate  
14 holder.

15 (b) No person who has been convicted of or pled nolo contendere to a crime  
16 listed in R.S. 15:587.1(C) shall be permitted to provide behavioral health services or  
17 primary health services to a student at school during school hours. Prior to providing  
18 services as provided in this Section, ~~a~~ each behavioral health provider and primary  
19 care provider shall complete a criminal background check conducted by the  
20 Louisiana State Police and shall pay all related costs. However, applied behavior  
21 analysis providers who are licensed, certified, or registered by the Louisiana  
22 Behavior Analyst Board and primary care providers who are licensed, certified, or  
23 registered by their applicable licensing, certification, or registration board, who  
24 provide documentation of having passed a criminal background check conducted by  
25 the Louisiana State Police, and who are in good standing with the applicable board  
26 shall not be required by a public school governing authority to complete an  
27 additional criminal background check in order to begin providing behavioral health  
28 services or primary health services, as applicable, at a school.

1           (c) Behavioral health services and primary health services shall be permitted  
2 during school hours if the student's parent or legal guardian ~~presents a behavioral~~  
3 ~~health evaluation performed by an evaluator as well as an assessment and authorized~~  
4 ~~treatment plan performed by a behavioral health provider chosen by the parent or~~  
5 ~~legal guardian and the evaluation indicates that the services are~~ has requested such  
6 services and a behavioral health provider or primary care provider determines that  
7 evaluation or treatment is necessary during school hours to assist the student with  
8 behavioral health impairments associated with a medical diagnosis that ~~the evaluator~~  
9 ~~determines~~ are interfering with the student's ability to thrive in the educational  
10 setting or to assist the student with a health condition, illness, or injury requiring  
11 evaluation or treatment.

12           (d) A behavioral health or primary health evaluation or assessment presented  
13 by the parent or legal guardian of a student shall not be construed as an independent  
14 educational evaluation for purposes of determining if a student meets the criteria  
15 established for eligibility for special education and related services.

16           (e) A public school governing authority shall not prohibit a behavioral health  
17 or primary health evaluation, assessment, or authorized treatment plan from being  
18 performed on school property in order to establish medical necessity or deliver  
19 medically necessary services. Behavioral health services and primary health services  
20 may be provided during any part of the school day, including any and all  
21 instructional time in English, reading, mathematics, and science. The school  
22 administrator and service provider shall work collaboratively to create a consistent  
23 schedule that meets the medical needs of the student and complies with the provider's  
24 ethical code of conduct. In developing the student's plan, consideration shall include  
25 impacts on a school's operations and a student's testing schedule. If the parties  
26 cannot agree, then the parties shall engage in a dispute resolution process set forth  
27 by the state Department of Education in accordance with Subsection D of this  
28 Section.

1 (f)(i) A public school governing authority shall not enter into a contract or  
2 an exclusive agreement with a behavioral health provider that prohibits the parent  
3 or legal guardian from choosing the behavioral health provider for the student.  
4 However the provisions of this ~~Subparagraph~~ Item shall not impair any extant  
5 contract on ~~the effective date of this Section, August 1, 2018,~~ or the renewal thereof.

6 (ii) A public school governing authority shall not enter into a contract or an  
7 exclusive agreement with a primary care provider that prohibits the parent or legal  
8 guardian from choosing the primary care provider for the student. However the  
9 provisions of this Item shall not impair any extant contract on August 1, 2026, or the  
10 renewal thereof.

11 (g) The cost of all behavioral health services and primary health services  
12 provided to a student shall be the sole responsibility of the parent or legal guardian,  
13 individually or through an applicable health insurance policy, Medicaid, or other  
14 third-party payor, other than the public school governing authority, that has made  
15 funds available for the payment for the services provided.

16 (h) While on a school campus, ~~a~~ each behavioral ~~service~~ health provider and  
17 primary care provider shall comply with, and abide by, the terms of any  
18 Individualized Education Plan, Individualized Accommodation Plan, Section 504  
19 Plan, Behavior Management Plan, or Individualized Health Plan applicable to a  
20 student who is a patient of the provider. The services furnished by a provider shall  
21 be incorporated into a written treatment plan applicable to a student.

22 ~~(i) The parent or legal guardian of a student receiving services from a~~  
23 ~~behavioral service provider shall be required to execute a "consent to release~~  
24 ~~information form" between the provider and the public school governing authority.~~  
25 Notwithstanding any provision of this Section to the contrary, a school-based health  
26 center shall not be required to enter into a consent to release information agreement  
27 with a public school governing authority that requires the disclosure of protected  
28 health information. Any information shared by a school-based health center with a  
29 public school governing authority shall be limited to nonclinical information

1       necessary for care coordination, student safety, or compliance with applicable law  
2       and shall be subject to all applicable state and federal confidentiality requirements,  
3       including but not limited to the Health Insurance Portability and Accountability Act  
4       and the Family Educational Rights and Privacy Act.

5               (j) A public school governing authority shall establish reporting requirements  
6       for a behavioral health provider and primary care provider related to the student's  
7       progress and student and school safety concerns as related to the student's  
8       educational program.

9               (k) A public school governing authority may establish sanctions, including  
10       termination of a provider's authorization to provide services on any school campus,  
11       against a behavioral health provider or primary care provider for failure to comply  
12       with the governing authority's policy.

13              (l) The determination of the need for a behavioral health or primary health  
14       evaluation and behavioral health or primary health services shall be made by a  
15       behavioral health provider or primary care provider acting within the scope of his  
16       professional license. No school employee who is not licensed to provide healthcare  
17       services shall determine whether a student may receive an evaluation or treatment  
18       by a behavioral health provider or primary care provider.

19              (3) The failure of a public school governing authority to adopt a policy shall  
20       not be cause to prohibit the provision of behavioral health services or primary health  
21       services to a student as provided in this Section.

22              (4) Any behavioral health or primary health evaluation, assessment, or  
23       treatment plan administered by a public school governing authority shall not  
24       ~~supercede~~ supersede the ~~behavioral health~~ evaluation, assessment, or treatment plan  
25       provided by an independent behavioral health provider or primary care provider of  
26       a student's parent's choosing.

27              (5)(a) Any applied behavior analysis services provided by a governing  
28       authority as provided in this Section shall be delivered either by behavioral health  
29       providers licensed, certified, or registered by the Louisiana Behavior Analyst Board

1 in accordance with R.S. 37:3701 et seq. or behavioral health providers providing  
2 services in accordance with R.S. 37:3715.

3 (b) Any primary health services provided by a governing authority as  
4 provided in this Section shall be delivered by primary care providers licensed,  
5 certified, or registered by their applicable health profession licensing board.

6 \* \* \*

7 B. For purposes of this Section, the following terms ~~shall~~ have the following  
8 meanings:

9 (1) "Applied behavior analysis provider" ~~shall mean~~ means a provider who  
10 is licensed, certified, or registered by the Louisiana Behavior Analyst Board and is  
11 in good standing to provide applied behavior analysis services.

12 (2) "Applied behavior analysis services" ~~shall include~~ means the design,  
13 implementation, and evaluation of systematic instructional and environmental  
14 modifications by an applied behavior analysis provider to produce socially  
15 significant improvements in behavior as ~~described in the Behavior Analyst Practice~~  
16 Act. provided in Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950.

17 (3) "Behavioral health or primary health evaluation" shall include but not be  
18 limited to the following criteria:

- 19 (a) Diagnosis.
- 20 (b) Type of intervention.
- 21 (c) Length of intervention.
- 22 (d) Identification of a student's goals.
- 23 (e) Identification of impact of student behavior on a student's educational  
24 program.

25 (f) Recommendations for behavioral health services, including but not  
26 limited to applied behavior analysis services, or primary health services.

27 (4) "Behavioral health evaluator" means a licensed psychiatrist,  
28 psychologist, medical psychologist, licensed specialist in school psychology,  
29 professional counselor, marriage and family therapist, clinical social worker, or

1 applied behavior analysis healthcare provider who is certified by the respective board  
2 of examiners in Louisiana to provide necessary evaluations and who is not an  
3 employee of the public school governing authority or the state Department of  
4 Education.

5 (4) (5) "Behavioral health provider" ~~shall mean~~ means a provider who is  
6 licensed by the Louisiana Department of Health or a health profession licensing  
7 board and is in good standing to provide behavioral health services in Louisiana  
8 including but not limited to a psychiatrist, psychologist, medical psychologist,  
9 licensed specialist in school psychology, marriage and family therapist, professional  
10 counselor, clinical social worker, applied behavior analysis provider, or a behavioral  
11 health provider organization licensed to provide behavioral health services in  
12 Louisiana.

13 (5) (6) "Behavioral health services" ~~shall include~~ includes but ~~not be~~ is not  
14 limited to individual psychotherapy, family psychotherapy, psychotropic medication  
15 management, community psychiatric support and treatment, crisis intervention, and  
16 medically necessary applied behavior analysis services.

17 (6) ~~"Evaluator" shall mean a licensed psychiatrist, psychologist, medical~~  
18 ~~psychologist, licensed specialist in school psychology, professional counselor,~~  
19 ~~marriage and family therapist, clinical social worker, or applied behavior analysis~~  
20 ~~provider who is certified by the respective board of examiners in Louisiana to~~  
21 ~~provide necessary evaluations and who is not an employee of the public school~~  
22 ~~governing authority or the state Department of Education.~~

23 (7) "Independent third-party payor" means an individual who serves as a  
24 case reviewer for Medicaid or commercial insurers.

25 (8) "Medically necessary services" means services that meet the following  
26 requirements as determined by the behavioral health provider or primary care  
27 provider, as applicable, or the applicable independent third-party payor:

28 (a) Provided for the diagnosis, treatment, cure, or relief of a health condition,  
29 illness, injury, or disease.

1 (b) Except for clinical trials that are described within the policy, not for  
2 experimental, investigational, or cosmetic purposes.

3 (c) Within the generally accepted standards of medical care in the  
4 community.

5 (d) Not solely for the convenience of the insured, the insured's family, or the  
6 provider.

7 (9) "Primary care provider" means a physician or other healthcare  
8 practitioner who is licensed, certified, registered, or otherwise authorized by law to  
9 perform primary health services consistent with state law.

10 (10) "Primary health evaluator" means a licensed primary care provider who  
11 is certified by his applicable health profession licensing board to provide necessary  
12 evaluations and who is not an employee of the public school governing authority or  
13 the state Department of Education.

14 (11) "Primary health services" means routine healthcare services, including  
15 screening, assessment, diagnosis, treatment for promotion of health, and detection  
16 and management of disease or injury.

17 C. Nothing in this Section shall be construed to supersede any of the  
18 following:

19 \* \* \*

20 (4) Any law pertaining to the licensure, certification, or registration of a  
21 primary care provider by the applicable health professional licensing board or the  
22 practice of any primary care provider or any regulation promulgated by the Louisiana  
23 Department of Health pursuant to any such law.

24 \* \* \*

25 §3996. Charter schools; exemptions; requirements

26 \* \* \*

27 B. Notwithstanding any state law, rule, or regulation to the contrary and  
28 except as may be otherwise specifically provided for in an approved charter, a  
29 charter school established and operated in accordance with the provisions of this



- provides exceptions for those who are in good standing their licensing board and submit documentation of having passed a criminal background check. Proposed law also applies this to primary care providers.
- (5) Present law provides that behavioral health services are permitted during school hours if the student's parent or legal guardian presents an evaluation that indicates that the services are necessary. Proposed law allows them if requested by the parent instead of if an evaluation is presented and also applies this to primary health services.
- (6) Present law provides that a behavioral health evaluation presented by the parent shall not be construed as an independent educational evaluation for purposes of determining if a student is eligible for special education and related services. Proposed law also applies this with respect to primary health evaluations.
- (7) Present law provides that a public school governing authority shall not prohibit a behavioral health evaluation, assessment, or treatment plan from being performed on school property in order to establish medical necessity or deliver medically necessary services, allows behavioral health services to be provided during any part of the school day, and provides for a dispute resolution process if parties cannot agree on a service delivery plan. Proposed law also applies this with respect to primary health services.
- (8) Present law prohibits a public school governing authority from entering into a contract with a behavioral health provider that prohibits the parent from choosing the provider. Proposed law also applies this with respect to primary care providers. Present law provides that present law shall not impair any extant contract with a behavioral health provider on the effective date of present law (no specific date provided). Proposed law adds that proposed law shall not impair any extant contract relative to behavioral health providers in effect on the effective date of present law (specifying such date as August 1, 2018) or any extant contract relative to primary care providers on the effective date of proposed law (August 1, 2026).
- (9) Present law provides that the cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian, individually or through an applicable health insurance policy, Medicaid, or other third-party payor that has made funds available for payment of services. Proposed law also applies this with respect to primary health services.
- (10) Present law provides that while on a school campus, a behavioral health provider shall comply with, and abide by, the terms of a student's Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Management Plan, or Individualized Health Plan. Proposed law also applies this with respect to primary care providers.
- (11) Present law requires the parent of a student receiving services from a behavioral service provider to execute a "consent to release information form" between the provider and the public school governing authority. Proposed law provides instead that a school-based health center shall not be required to enter into a consent to release information agreement with a public school governing authority that requires the disclosure of protected health information. Further provides that any information shared by a school-based health center with a public school governing authority shall be limited to nonclinical information and shall be subject to all applicable state and federal confidentiality requirements.
- (12) Present law requires a public school governing authority to establish reporting requirements for behavioral health providers. Proposed law additionally applies this to primary care providers.

- (13) Present law authorizes public school governing authorities to establish sanctions, including termination of a provider's authorization to provide services on any school campus, against a behavioral health provider for failure to comply with the governing authority's policy. Proposed law additionally applies this with respect to primary care providers.
- (14) Present law provides that the failure of a public school governing authority to adopt a policy shall not be cause to prohibit the provision of behavioral health services. Proposed law additionally applies this with respect to primary care providers.
- (15) Present law provides that any behavioral health evaluation, assessment, or treatment plan administered by a public school governing authority shall not supersede the evaluation, assessment, or treatment plan provided by an independent behavioral health provider chosen by the parent. Proposed law additionally applies this with respect to primary health evaluations and primary care providers.
- (16) Present law provides that any applied behavior analysis services provided by a governing authority as provided in present law shall be delivered either by behavioral health providers licensed, certified, or registered by the La. Behavior Analyst Board or behavioral health providers providing services in accordance with present law (R.S. 37:3715). Proposed law adds that any primary health services provided by a governing authority as provided in proposed law shall be delivered by primary care providers licensed, certified, or registered by their applicable health profession licensing board.
- (17) Present law provides that nothing in present law supersedes present law relative to the licensing and practice of behavior health providers. Proposed law provides that nothing in proposed law supersedes present law relative to the licensing and practice of primary care providers.

Proposed law provides that the determination of the need for medical evaluation or healthcare services shall be made by a behavioral health or primary care provider acting within the scope of his professional license and that no school employee who is not licensed shall determine whether a student may receive evaluation or treatment by such a provider.

Proposed law provides that present law and proposed law apply to behavioral health services and primary health services provided on a school campus through a school-based health clinic or other provider arrangement but that nothing in present law or proposed law shall be construed to require any public school governing authority or school to establish or provide such services.

Proposed law provides for the following definitions for these terms as used in proposed law:

- (1) "Primary care provider" means a physician or other healthcare practitioner who is licensed, certified, registered, or otherwise authorized by law to perform primary health services consistent with state law.
- (2) "Primary health services" means routine healthcare services, including screening, assessment, diagnosis, treatment for promotion of health, and detection and management of disease or injury.

Proposed law requires the State Bd. of Elementary and Secondary Education, in consultation with the La. Dept. of Health, La. State Bd. of Medical Examiners, and La. State Bd. of Nursing, to promulgate rules for proposed law implementation.

Present law and proposed law are applicable to all public schools, including charter schools.

(Amends R.S. 17:173(A)(1)-(5) and (B) and 3996(B)(48); Adds R.S. 17:173(C)(4))