
DIGEST

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HB 1022 Original

2026 Regular Session

Jackson

Abstract: Provides relative to the provision of primary health services to students by primary care providers.

Present law provides relative to behavioral health services for students. Proposed law broadens the application of present law to also apply to primary health services for students as follows:

- (1) Present law prohibits public school governing authorities from prohibiting behavioral health providers from providing medically necessary behavioral health services to a student during school hours if the parent requests the services. Proposed law also applies this to primary health services provided by primary care providers and provides that what is "medically necessary" is determined by the provider or third-party payor.
- (2) Present law requires public school governing authorities to adopt policies for present law implementation that shall not create onerous requirements for behavioral health providers. Proposed law also applies this to primary care providers.
- (3) Present law requires behavioral health providers who provide services pursuant to present law to maintain a minimum amount of general liability insurance coverage. Proposed law also applies this to primary care providers.
- (4) Present law prohibits anyone who has been convicted of crime listed in present law (R.S. 15:587.1(C)) from providing behavioral health services during school hours and requires that he complete a criminal background check and pay all related costs; 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))