

2026 Regular Session

HOUSE BILL NO. 1249 (Substitute for House Bill No. 1022 by Representative Jackson)

BY REPRESENTATIVE JACKSON

HEALTH/SCHOOL CLINICS: Provides relative to school-based health center services provided to students

1 AN ACT

2 To enact R.S. 17:171.1 and 3996(B)(24), relative to school-based health center services; to
3 require public school governing authorities to adopt policies providing for the
4 provision of school-based health center services to students; to provide for
5 definitions; to require the State Board of Elementary and Secondary Education to
6 adopt rules in consultation with certain entities; to provide for applicability; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:171.1 and 3996(B)(24) are hereby enacted to read as follows:

10 §171.1. School-based health center services for students

11 A.(1)(a) If a student's parent or legal guardian or a student who has reached
12 the age of majority consents to medically necessary school-based health center
13 services, no school administrator or other school employee shall prohibit the student
14 from accessing the services.

15 (b) The provisions of this Section shall apply to school-based health center
16 services provided on a school campus through a school-based health center or other
17 provider arrangement; however, nothing in this Section shall be construed to require
18 any public school governing authority or school to establish or provide such services.

1 (2) The governing authority of any public school where school-based health
2 center services are available to students shall adopt and make available to the public
3 a policy to implement the provisions of this Section. The policy shall not create
4 onerous requirements for healthcare providers resulting in a delay or barrier to the
5 provision of medically necessary school-based health center services. The policy,
6 at a minimum, shall provide that:

7 (a) Healthcare providers who are licensed, certified, or registered by their
8 applicable licensing, certification, or registration board, who provide documentation
9 of having passed a criminal background check conducted by the Louisiana State
10 Police, and who are in good standing with the applicable board shall not be required
11 by a public school governing authority to complete an additional criminal
12 background check in order to begin providing school-based health center services.

13 (b) School-based health center services shall be permitted during school
14 hours if the student's parent or legal guardian has requested such services and a
15 healthcare provider determines that evaluation or treatment is necessary during
16 school hours to assist the student with a health condition, illness, or injury requiring
17 evaluation or treatment.

18 (c) A public school governing authority shall not prohibit a health
19 evaluation, assessment, or authorized treatment plan from being performed on school
20 property in order to establish medical necessity or deliver medically necessary
21 services. School-based health center services may be provided during any part of the
22 school day, including any and all instructional time in English, reading, mathematics,
23 and science.

24 (d) The cost of all school-based health center services provided to a student
25 shall be the sole responsibility of the parent or legal guardian, individually or
26 through an applicable health insurance policy, Medicaid, or other third-party payor,
27 other than the public school governing authority, that has made funds available for
28 the payment for the services provided.

1 (e) Notwithstanding any provision of this Section to the contrary, a school-
2 based health center shall not be required to enter into a consent to release
3 information agreement with a public school governing authority that requires the
4 disclosure of protected health information. Any information shared by a school-
5 based health center with a public school governing authority shall be limited to
6 nonclinical information necessary for care coordination, student safety, or
7 compliance with applicable law and shall be subject to all applicable state and
8 federal confidentiality requirements, including but not limited to the Health
9 Insurance Portability and Accountability Act and the Family Educational Rights and
10 Privacy Act.

11 (f) The determination of the need for health evaluation and school-based
12 health center services shall be made by a healthcare provider acting within the scope
13 of his professional license. No school employee who is not licensed to provide
14 healthcare services shall determine whether a student may receive an evaluation or
15 treatment by a healthcare provider.

16 (3) The failure of a public school governing authority to adopt a policy shall
17 not be cause to prohibit the provision of school-based health center services to a
18 student as provided in this Section.

19 (4) School-based health center services shall be delivered by healthcare
20 providers licensed, certified, or registered by their applicable health profession
21 licensing board.

22 B. For purposes of this Section, the following terms have the following
23 meanings:

24 (1) "Healthcare provider" means a physician or other healthcare practitioner
25 who is licensed, certified, registered, or otherwise authorized by law to provide
26 health care services consistent with state law.

27 (2) "Medically necessary" means that services meet the following
28 requirements as determined by the healthcare provider, as applicable, or the
29 applicable independent third-party payor:

- (5) 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, and any information shared by a center with a public school governing authority shall be limited to nonclinical information necessary for care coordination, student safety, or compliance with applicable law and shall be subject to all applicable state and federal confidentiality requirements.
- (6) The determination of the need for health evaluation and school-based health center services shall be made by a healthcare provider acting within the scope of his professional license, and no school employee who is not licensed to provide healthcare services shall determine whether a student may receive an evaluation or treatment by a healthcare provider.
- (7) The failure of a public school governing authority to adopt a policy shall not be cause to prohibit the provision of school-based health center services to a student as provided in proposed law.
- (8) Any school-based health center services provided by a governing authority as provided in proposed law shall be delivered by healthcare providers licensed, certified, or registered by their applicable health profession licensing board.

Proposed law provides that nothing in proposed law shall be construed to conflict with or interfere with a student's access to behavioral health services provided pursuant to present law (R.S. 17:173).

Proposed law requires the State Bd. of Elementary and Secondary Education, in consultation with the La. Dept. of Health, bureau of family health, as well as the Louisiana State Bd. of Medical Examiners and the La. State Bd. of Nursing, to promulgate rules in accordance with the Administrative Procedure Act for proposed law implementation.

(Adds R.S. 17:171.1 and 3996(B)(24))