

HOUSE BILL 1437

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6lr3171

By: **Delegate Angel**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Individualized Counseling Services – Requirements**

3 FOR the purpose of authorizing school-based personnel to refer a student to a certain
4 guidance counselor or a certain counseling program to determine whether the
5 student needs certain counseling services; requiring a certain guidance counselor or
6 a certain counseling program to assist a certain student in obtaining a certain
7 determination; requiring a certain guidance counselor or a certain counseling
8 program to obtain the permission of the parent or guardian of a certain student to
9 arrange certain services or to assist the parent or guardian of a certain student in
10 finding and arranging certain services; requiring a public school to provide space in
11 the public school building for a certain purpose and to work with a certain student
12 and a certain counselor to schedule certain services at a certain time in a certain
13 manner; applying certain provisions of this Act to a managed care organization;
14 requiring, to the extent required under federal law and in accordance with a certain
15 provision of law, an insurer, nonprofit health service plan, or health maintenance
16 organization to reimburse a licensed clinical professional counselor who provides
17 certain services in certain settings for certain covered services; providing for the
18 application of this Act; and generally relating to requirements for individualized
19 counseling services in public schools.

20 BY adding to

21 Article – Education

22 Section 7–438

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2015 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Health – General

27 Section 15–102.3

28 Annotated Code of Maryland

29 (2015 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Insurance
3 Section 15–716
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2015 Supplement)

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

8 **Article – Education**

9 **7–438.**

10 **(A) (1) SCHOOL–BASED PERSONNEL MAY REFER A STUDENT TO THE**
11 **SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING PROGRAM TO**
12 **DETERMINE WHETHER THE STUDENT NEEDS INDIVIDUALIZED COUNSELING**
13 **SERVICES.**

14 **(2) A SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING**
15 **PROGRAM SHALL ASSIST A STUDENT REFERRED UNDER PARAGRAPH (1) OF THIS**
16 **SUBSECTION IN OBTAINING A PROFESSIONAL DETERMINATION AS TO THE NEED FOR**
17 **INDIVIDUALIZED COUNSELING SERVICES.**

18 **(3) IF A STUDENT IS DETERMINED TO NEED INDIVIDUALIZED**
19 **COUNSELING SERVICES BEYOND THE COUNSELING SERVICES PROVIDED BY THE**
20 **LOCAL SCHOOL SYSTEM UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SCHOOL**
21 **GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING PROGRAM SHALL:**

22 **(i) OBTAIN THE PERMISSION OF THE PARENT OR GUARDIAN OF**
23 **THE STUDENT BY A WAIVER TO ALLOW SCHOOL–BASED PERSONNEL TO SPEAK WITH**
24 **OUTSIDE HEALTH CARE PROVIDERS ON BEHALF OF THE STUDENT TO ARRANGE**
25 **INDIVIDUALIZED COUNSELING SERVICES WITH A LICENSED CLINICAL**
26 **PROFESSIONAL COUNSELOR THROUGH A SCHOOL–BASED HEALTH CENTER OR AT**
27 **THE PUBLIC SCHOOL; OR**

28 **(ii) ASSIST THE PARENT OR GUARDIAN IN FINDING AND**
29 **ARRANGING INDIVIDUAL COUNSELING SERVICES FOR THE STUDENT WITH A**
30 **LICENSED CLINICAL PROFESSIONAL COUNSELOR.**

31 **(B) EACH PUBLIC SCHOOL SHALL:**

32 **(1) PROVIDE SPACE IN THE PUBLIC SCHOOL BUILDING FOR A**
33 **STUDENT AND LICENSED CLINICAL PROFESSIONAL COUNSELOR TO MEET**

1 PRIVATELY DURING SCHOOL HOURS FOR INDIVIDUALIZED COUNSELING SERVICES;
2 AND

3 **(2) WORK WITH A STUDENT AND THE STUDENT'S LICENSED CLINICAL**
4 **PROFESSIONAL COUNSELOR TO SCHEDULE INDIVIDUALIZED COUNSELING**
5 **SERVICES DURING SCHOOL HOURS WITH MINIMAL DISRUPTION TO THE STUDENT'S**
6 **ACADEMIC SCHEDULE.**

7 **Article – Health – General**

8 15–102.3.

9 (a) The provisions of § 15–112 of the Insurance Article (Provider panels) shall
10 apply to managed care organizations in the same manner they apply to carriers.

11 (b) The provisions of § 15–1005 of the Insurance Article shall apply to managed
12 care organizations in the same manner they apply to health maintenance organizations.

13 (c) The provisions of §§ 4–311, 15–604, 15–605, and 15–1008 of the Insurance
14 Article shall apply to managed care organizations in the same manner they apply to
15 carriers.

16 (d) (1) The provisions of §§ 19–712(b), (c), and (d), 19–713.2, and 19–713.3 of
17 this article apply to managed care organizations in the same manner they apply to health
18 maintenance organizations.

19 (2) The Insurance Commissioner shall consult with the Secretary before
20 taking any action against a managed care organization under this subsection.

21 (e) The provisions of § 15–112.1 of the Insurance Article apply to managed care
22 organizations in the same manner they apply to carriers.

23 **(F) THE PROVISIONS OF § 15–716 OF THE INSURANCE ARTICLE APPLY TO**
24 **MANAGED CARE ORGANIZATIONS IN THE SAME MANNER THEY APPLY TO HEALTH**
25 **MAINTENANCE ORGANIZATIONS.**

26 **[(f)] (G)** The Insurance Commissioner or an agent of the Commissioner shall
27 examine the financial affairs and status of each managed care organization at least once
28 every 5 years.

29 **Article – Insurance**

30 **15–716.**

31 **(A) THIS SECTION APPLIES TO EACH INDIVIDUAL OR GROUP HEALTH**
32 **INSURANCE POLICY OR BLANKET HEALTH BENEFIT PLAN THAT IS ISSUED OR**

1 DELIVERED IN THE STATE BY AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR
2 HEALTH MAINTENANCE ORGANIZATION.

3 (B) TO THE EXTENT REQUIRED UNDER FEDERAL LAW AND IN ACCORDANCE
4 WITH § 15-802 OF THIS ARTICLE, AN INSURER, NONPROFIT HEALTH SERVICE PLAN,
5 OR HEALTH MAINTENANCE ORGANIZATION SHALL REIMBURSE A LICENSED
6 CLINICAL PROFESSIONAL COUNSELOR WHO PROVIDES COVERED SERVICES AT A
7 SCHOOL-BASED HEALTH CENTER OR A PUBLIC SCHOOL FOR COVERED SERVICES
8 PROVIDED TO THE INSURED OR ANY OTHER PERSON COVERED BY THE HEALTH
9 BENEFIT PLAN IN ACCORDANCE WITH § 7-438 OF THE EDUCATION ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
11 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
12 after October 1, 2016.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2016.