

HOUSE BILL 786

F1, C3

7lr3187

By: **Delegates Angel, Morales, Branch, Cullison, Davis, Glenn, C. Howard, Korman, A. Miller, Mosby, Pena–Melnik, Platt, Queen, Sanchez, A. Washington, and Wilkins**

Introduced and read first time: February 3, 2017

Assigned to: 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 recommend a student to a
4 certain guidance counselor or a certain counseling program to determine whether
5 the student needs a behavioral health assessment; requiring a certain guidance
6 counselor or a certain counseling program to obtain certain permission to assist a
7 certain student in obtaining a behavioral health assessment, under certain
8 circumstances; requiring a certain guidance counselor or a certain counseling
9 program, subject to a certain provision of law, to obtain certain permission of the
10 parent or guardian of a certain student to arrange certain services; requiring a public
11 school, subject to certain conditions, to provide space in the public school building for
12 a certain purpose and to work with a certain student and a certain health care
13 provider to schedule certain services at a certain time in a certain manner; requiring,
14 in accordance with a certain provision of law, an insurer, nonprofit health service
15 plan, or health maintenance organization to pay benefits for covered services
16 provided by a health care provider to an individual under certain circumstances;
17 providing for the application of this Act; and generally relating to requirements for
18 individualized counseling services in public schools.

19 BY adding to

20 Article – Education

21 Section 7–440

22 Annotated Code of Maryland

23 (2014 Replacement Volume and 2016 Supplement)

24 BY adding to

25 Article – Insurance

26 Section 15–716

27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2011 Replacement Volume and 2016 Supplement)

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

Article – Education

7–440.

(A) IN THIS SECTION, “HEALTH CARE PROVIDER” HAS THE MEANING
STATED IN § 20–104 OF THE HEALTH – GENERAL ARTICLE.

(B) (1) SCHOOL–BASED PERSONNEL MAY RECOMMEND A STUDENT TO
THE SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING PROGRAM TO
DETERMINE WHETHER THE STUDENT NEEDS A BEHAVIORAL HEALTH ASSESSMENT.

(2) (I) IF A STUDENT IS DETERMINED TO NEED A BEHAVIORAL
HEALTH ASSESSMENT, THE SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL
COUNSELING PROGRAM SHALL OBTAIN THE SIGNED PERMISSION OF THE PARENT
OR GUARDIAN OF A STUDENT RECOMMENDED UNDER PARAGRAPH (1) OF THIS
SUBSECTION TO ASSIST THE STUDENT IN OBTAINING THE BEHAVIORAL HEALTH
ASSESSMENT.

(II) THE SIGNED PERMISSION SHALL INCLUDE AN
EXPLANATION OF:

1. THE REASONS FOR RECOMMENDING THE
BEHAVIORAL HEALTH ASSESSMENT; AND

2. THE OPTIONS FOR OBTAINING THE BEHAVIORAL
HEALTH ASSESSMENT.

(3) IF A STUDENT IS DETERMINED TO HAVE A BEHAVIORAL HEALTH
DIAGNOSIS, THE SCHOOL GUIDANCE COUNSELOR OR THE SCHOOL COUNSELING
PROGRAM SHALL, SUBJECT TO § 20–102(C) OF THE HEALTH – GENERAL ARTICLE,
OBTAIN THE SIGNED PERMISSION OF THE PARENT OR GUARDIAN OF THE STUDENT
TO ALLOW SCHOOL–BASED PERSONNEL TO ARRANGE INDIVIDUALIZED COUNSELING
SERVICES WITH A HEALTH CARE PROVIDER THROUGH A SCHOOL–BASED HEALTH
CENTER OR AT THE PUBLIC SCHOOL.

(4) THE SIGNED PERMISSION SHALL INCLUDE LANGUAGE ADVISING
THE PARENT OR GUARDIAN THAT:

1 **(I) THE INDIVIDUALIZED COUNSELING SERVICES MAY BE**
2 **COVERED SERVICES UNDER THE STUDENT'S HEALTH INSURANCE POLICY OR**
3 **CONTRACT; AND**

4 **(II) THE PARENT OR GUARDIAN SHOULD CHECK WITH THE**
5 **INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE**
6 **ORGANIZATION THAT ISSUED OR DELIVERED THE HEALTH INSURANCE POLICY OR**
7 **CONTRACT TO DETERMINE:**

8 **1. WHETHER THE HEALTH CARE PROVIDER AT THE**
9 **SCHOOL-BASED HEALTH CENTER OR PUBLIC SCHOOL IS A PARTICIPATING**
10 **PROVIDER UNDER THE HEALTH INSURANCE POLICY OR CONTRACT; AND**

11 **2. THE COST SHARING THAT APPLIES IF THE HEALTH**
12 **CARE PROVIDER IS NOT A PARTICIPATING PROVIDER UNDER THE HEALTH**
13 **INSURANCE POLICY OR CONTRACT.**

14 **(C) EACH PUBLIC SCHOOL SHALL:**

15 **(1) AS PRACTICAL AND AVAILABLE, PROVIDE SPACE IN THE PUBLIC**
16 **SCHOOL BUILDING FOR A STUDENT AND HEALTH CARE PROVIDER TO MEET DURING**
17 **SCHOOL HOURS FOR INDIVIDUALIZED COUNSELING SERVICES; AND**

18 **(2) WORK WITH A STUDENT AND THE STUDENT'S HEALTH CARE**
19 **PROVIDER TO SCHEDULE INDIVIDUALIZED COUNSELING SERVICES DURING SCHOOL**
20 **HOURS WITH MINIMAL DISRUPTION TO THE STUDENT'S ACADEMIC SCHEDULE.**

21 **Article - Insurance**

22 **15-716.**

23 **(A) THIS SECTION APPLIES TO EACH INDIVIDUAL, GROUP, OR BLANKET**
24 **HEALTH INSURANCE POLICY OR CONTRACT THAT IS ISSUED OR DELIVERED IN THE**
25 **STATE BY AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH**
26 **MAINTENANCE ORGANIZATION.**

27 **(B) IN ACCORDANCE WITH § 15-802 OF THIS TITLE, AN INSURER, A**
28 **NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION**
29 **SHALL PAY BENEFITS FOR COVERED SERVICES PROVIDED BY A HEALTH CARE**
30 **PROVIDER TO AN INDIVIDUAL WHO:**

31 **(1) IS AN INSURED OR ENROLLEE UNDER A POLICY OR CONTRACT**
32 **SUBJECT TO THIS SECTION; AND**

1 **(2) RECEIVES THE COVERED SERVICES AT A SCHOOL-BASED HEALTH**
2 **CENTER OR A PUBLIC SCHOOL IN ACCORDANCE WITH § 7-440 OF THE EDUCATION**
3 **ARTICLE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
5 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
6 after July 1, 2017.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2017.