

SENATE BILL 492

F1
HB 878/23 – W&M

4lr2728
CF HB 522

By: **Senator Kagan**

Introduced and read first time: January 24, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Student Telehealth Appointments – ~~Policy~~ State Guidelines,**
3 **Policies, and Access**

4 FOR the purpose of requiring the State Department of Education and the Maryland
5 Department of Health jointly to adopt certain State guidelines for school health
6 services regarding student access to telehealth appointments during the school day
7 in public middle and high schools in the State; requiring each county board of
8 education to establish a ~~policy to accommodate students who need to participate in~~
9 ~~telehealth appointments during the school day; requiring each public middle and~~
10 ~~high school to designate a space that meets certain requirements for student~~
11 ~~telehealth appointments~~ certain student telehealth policy; and generally relating to
12 student access to telehealth in public schools.

13 BY adding to

14 Article – Education

15 Section 4–142

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2023 Supplement)

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

20 **Article – Education**

21 **4–142.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IN THIS SECTION, "TELEHEALTH" MEANS A MODE OF DELIVERING
 2 HEALTH CARE SERVICES THROUGH THE USE OF TELECOMMUNICATIONS
 3 TECHNOLOGIES BY A HEALTH CARE PRACTITIONER TO A PATIENT AT A DIFFERENT
 4 PHYSICAL LOCATION THAN THE HEALTH CARE PRACTITIONER.

5 ~~(B) EACH COUNTY BOARD SHALL ESTABLISH A POLICY TO ACCOMMODATE~~
 6 ~~STUDENTS WHO NEED TO PARTICIPATE IN TELEHEALTH APPOINTMENTS~~
 7 ~~SCHEDULED DURING THE SCHOOL DAY.~~

8 ~~(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION~~
 9 ~~SHALL REQUIRE EACH MIDDLE AND HIGH SCHOOL TO:~~

10 ~~(1) DESIGNATE A SPACE FOR STUDENT TELEHEALTH APPOINTMENTS~~
 11 ~~THAT:~~

12 ~~(I) IS A PRIVATE SPACE IN THE SCHOOL;~~

13 ~~(II) HAS INTERNET ACCESS;~~

14 ~~(III) INCLUDES AT LEAST ONE SEATING OPTION WITH A FLAT~~
 15 ~~SURFACE AND ELECTRICAL OUTLET NEARBY TO ACCOMMODATE PLACEMENT OF A~~
 16 ~~LAPTOP DEVICE; AND~~

17 ~~(IV) IS NOT A BATHROOM OR CLOSET; AND~~

18 ~~(2) IMPLEMENT MEASURES TO ENSURE THE SAFETY AND PRIVACY OF~~
 19 ~~A STUDENT PARTICIPATING IN A TELEHEALTH APPOINTMENT.~~

20 (B) (1) ON OR BEFORE DECEMBER 31, 2024, THE DEPARTMENT AND THE
 21 MARYLAND DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE
 22 STAKEHOLDERS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, JOINTLY
 23 SHALL DEVELOP STATE GUIDELINES FOR SCHOOL HEALTH SERVICES REGARDING
 24 THE AVAILABILITY FOR STUDENT PARTICIPATION IN TELEHEALTH APPOINTMENTS
 25 DURING THE SCHOOL DAY ON THE PREMISES OF PUBLIC MIDDLE AND HIGH
 26 SCHOOLS IN THE STATE.

27 (2) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF
 28 HEALTH SHALL CONSULT WITH A BROAD RANGE OF STAKEHOLDERS IN DEVELOPING
 29 THE STATE GUIDELINES UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING:

30 (I) LOCAL SCHOOL SYSTEMS;

31 (II) MIDDLE AND HIGH SCHOOL PRINCIPALS;

1 (III) SCHOOL NURSES, OTHER SCHOOL-BASED HEALTH AND
2 BEHAVIORAL HEALTH PROVIDERS, AND OTHER SUPPORT PERSONNEL;

3 (IV) HEALTH CARE PROVIDERS OF VARIOUS PRACTICE AREAS;

4 (V) PARENTS; AND

5 (VI) THE MARYLAND CONSORTIUM ON COORDINATED
6 COMMUNITY SUPPORTS.

7 (3) IN DEVELOPING THE STATE GUIDELINES UNDER PARAGRAPH (1)
8 OF THIS SUBSECTION, THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF
9 HEALTH SHALL CONSIDER OPERATIONAL, LEGAL, AND FINANCIAL ISSUES,
10 INCLUDING:

11 (I) EQUITY AND PRIORITIZATION OF ACCESS;

12 (II) STUDENT AND PARENTAL RIGHTS AND RESPONSIBILITIES,
13 INCLUDING STUDENT PRIVACY, INFORMED CONSENT, PARENTAL CONSENT, AND
14 COMMUNICATIONS WITH PARENTS;

15 (III) SCHOOL SYSTEM RIGHTS AND RESPONSIBILITIES;

16 (IV) THE ROLE AND RESPONSIBILITIES OF HEALTH CARE
17 PROVIDERS PROVIDING TELEHEALTH SERVICES, INCLUDING INFORMED CONSENT,
18 COLLECTION OF MEDICAL HISTORY AND INSURANCE INFORMATION, FOLLOW-UP
19 CARE, AND PATIENT COMMUNICATIONS;

20 (V) THE ROLE AND RESPONSIBILITIES OF SCHOOL NURSES AND
21 OTHER SCHOOL-BASED HEALTH, BEHAVIORAL HEALTH, AND OTHER SUPPORT
22 PERSONNEL;

23 (VI) THE ROLE OF THE STUDENT HEALTH PLAN;

24 (VII) TELEHEALTH SERVICES RELATED TO A STUDENT'S
25 INDIVIDUALIZED EDUCATION PROGRAM OR SECTION 504 PLAN;

26 (VIII) PROTOCOLS TO PROVIDE IN-PERSON SUPPORT IF
27 TELEHEALTH APPOINTMENTS CREATE A CHALLENGE TO A STUDENT RETURNING TO
28 THE CLASSROOM, ESPECIALLY RELATING TO MENTAL HEALTH COUNSELING OR
29 TREATMENT;

1 **(IX) PROTOCOLS FOR MISSED INSTRUCTION DUE TO STANDING**
2 **OR CONSISTENTLY SCHEDULED APPOINTMENTS;**

3 **(X) OPERATIONAL ISSUES, INCLUDING COORDINATION OF**
4 **SERVICES, APPROVAL AND VERIFICATION OF APPOINTMENTS, INCLUDING**
5 **APPOINTMENTS WITHOUT PARENTAL KNOWLEDGE OR CONSENT, SCHOOL**
6 **RESOURCE ALLOCATION, AND THE USE OF TREATMENT SPACE;**

7 **(XI) SCHOOL SYSTEM, PARENT, AND HEALTH CARE PROVIDER**
8 **LIABILITY;**

9 **(XII) HEALTH INSURANCE, INCLUDING MEDICAID;**

10 **(XIII) THE FEASIBILITY OF DESIGNATING A SCHOOL BUILDING**
11 **SPACE THAT:**

12 **1. IS PRIVATE AND SAFE TO ALLOW FOR CONFIDENTIAL**
13 **CONVERSATION BETWEEN A HEALTH CARE PROVIDER AND A STUDENT;**

14 **2. HAS INTERNET ACCESS;**

15 **3. INCLUDES AT LEAST ONE SEATING OPTION WITH A**
16 **FLAT SURFACE AND A NEARBY ELECTRICAL OUTLET TO ACCOMMODATE PLACEMENT**
17 **OF A LAPTOP DEVICE; AND**

18 **4. IS NOT A BATHROOM OR CLOSET; AND**

19 **(XIV) ANY OTHER ISSUES DETERMINED RELEVANT BY THE**
20 **DEPARTMENT, THE MARYLAND DEPARTMENT OF HEALTH, OR A STAKEHOLDER.**

21 **(4) THE STATE BOARD SHALL ADOPT THE STATE GUIDELINES**
22 **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

23 **(C) BEFORE THE START OF THE 2025–2026 SCHOOL YEAR, EACH COUNTY**
24 **BOARD SHALL ADOPT AND IMPLEMENT A STUDENT TELEHEALTH POLICY IN**
25 **ACCORDANCE WITH THE STATE GUIDELINES ADOPTED UNDER SUBSECTION (B) OF**
26 **THIS SECTION.**

27 **(D) EACH COUNTY BOARD SHALL ENSURE THAT THE LOCAL SCHOOL**
28 **SYSTEM:**

29 **(1) PUBLISHES THE STUDENT TELEHEALTH POLICY IN THE STUDENT**
30 **HANDBOOK; AND**

1 **(2) MAKES SCHOOL PERSONNEL AWARE OF STUDENT TELEHEALTH**
2 **POLICY OBJECTIVES AND REQUIREMENTS.**

3 **(E) ON REQUEST, THE DEPARTMENT SHALL PROVIDE TECHNICAL**
4 **ASSISTANCE TO A COUNTY BOARD TO ESTABLISH THE STUDENT TELEHEALTH**
5 **POLICY REQUIRED UNDER THIS SECTION.**

6 **(F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ~~REQUIRE~~:**

7 **(1) REQUIRE A SCHOOL TO CONSTRUCT AN ADDITION OR A NEW**
8 **SPACE TO A SCHOOL BUILDING TO PROVIDE A PRIVATE SPACE TO COMPLY WITH THE**
9 **STUDENT TELEHEALTH POLICY REQUIRED UNDER THIS SECTION; OR**

10 **(2) ALTER THE RESPONSIBILITIES OF A HEALTH CARE PROVIDER**
11 **REGARDING THE DISCLOSURE OF MEDICAL RECORDS UNDER TITLE 4, SUBTITLE 3**
12 **OF THE HEALTH – GENERAL ARTICLE, INCLUDING THE AUTHORITY TO DISCLOSE A**
13 **MEDICAL RECORD IN THE CASE OF AN EMERGENCY.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.