



Committee: Senate Education, Energy, and the Environment

Bill Number: Senate Bill 492 Public Schools – Student Telehealth Appointments – Policy and Access

Hearing Date: February 28, 2024

Position: Support w/Amendments

The Maryland School Counselor Association (MSCA) – a professional organization of over 900 counselors who work with students in pre-kindergarten through twelfth grade in public, private, charter, and magnet school settings, **supports Senate Bill 492 with amendments** to ensure that the Maryland Departments of Education and Health develop school health services guidelines to be utilized by school systems adopting local policies and implementing the services laid out in this legislation.

Senate Bill 492 would mandate that schools accommodate student access to receiving telehealth services without the assurances provided by student health plans. MSCA does not support the approach taken in Senate Bill 492 to mandate school system staff involvement, the provision of space, and scheduling of time, for telehealth services provided to students on school premises during the school day without the benefit of statewide school health guidelines.

Much remains to be seen in the legal and ethical implications of accommodating student access to receiving telehealth services. Of concern is compliance with the Health Insurance Portability and Accountability Act (HIPAA) to protect student privacy and the technology used in schools and the barriers to secure private settings may mean a breach of HIPPA compliance. The other issue to sort through is whose responsibility it is to ensure the technology works and that there are no technical difficulties, as well as who is responsible for the behavior of outside professionals working with students via telehealth when the students are on school grounds. In other words, if an outside telehealth counselor acted unprofessionally or inappropriately with a student, could the school be legally responsible?

This is why MSCA firmly believes that guidance is essential as a precursor to the statewide implementation of these services. Therefore, requests a favorable report of this legislation if amended to require the development of school health services guidelines by MSDE and MDH instead of mandating the accommodation of telehealth services for students during the school day.