

ACT No. 745

2024 Regular Session

HOUSE BILL NO. 872

BY REPRESENTATIVES MILLER, BRASS, BRYANT, BUTLER, CARPENTER, WILFORD CARTER, CARVER, CHASSION, DOMANGUE, EDMONSTON, FISHER, GREEN, HUGHES, KNOX, JACOB LANDRY, LARVADAIN, LYONS, MARCELLE, MELERINE, MENA, MOORE, NEWELL, OWEN, SELDERS, STAGNI, TAYLOR, WALTERS, AND YOUNG

1 AN ACT

2 To amend and reenact R.S. 17:173(A) and to enact R.S. 17:173(B)(7) and (8) and (D),
3 relative to behavioral health services for public school students; to provide relative
4 to applied behavior analysis services provided to students when requested by parents
5 or legal guardians; to provide for definitions; to provide for related policies adopted
6 by public school governing authorities; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:173(A) is hereby amended and reenacted and R.S. 17:173(B)(7)
9 and (8) and (D) are hereby enacted to read as follows:

10 §173. Behavioral health services for students

11 A.(1) A public school governing authority shall not prohibit a behavioral
12 health provider from providing medically necessary behavioral health services
13 authorized by an independent third-party payor, including but not limited to
14 Medicaid and commercial insurance, to a student at school during school hours if the
15 student's parent or legal guardian requests such services from the provider.

16 (2) Each public school governing authority shall adopt and make available
17 to the public a policy to implement the provisions of this ~~Section~~ and such Section.
18 The policy shall not create onerous requirements for behavioral health providers
19 resulting in a delay or barrier to the provision of medically necessary services. The
20 policy, at a minimum, shall provide that:

21 (a) A behavioral health provider who provides services pursuant to this
22 Section shall maintain general liability insurance coverage in an amount not less than

1 one million dollars per occurrence and one million dollars per aggregate and provide
2 a certificate of insurance naming the public school as the certificate holder.

3 (b) ~~A~~ No person who has been convicted of or pled nolo contendere to a
4 crime listed in R.S. 15:587.1(C) shall be permitted to provide behavioral health
5 services to a student at school during school hours. Prior to providing services as
6 provided in this Section, a behavioral health provider shall complete a criminal
7 background check conducted by the Louisiana State Police and shall pay all related
8 costs. However, applied behavior analysis providers who are licensed, certified, or
9 registered by the Louisiana Behavior Analyst Board, who provide documentation of
10 having passed a criminal background check conducted by the Louisiana State Police,
11 and who are in good standing with the board shall not be required by a public school
12 governing authority to complete an additional criminal background check in order
13 to begin providing behavioral health services at a school.

14 (c) Behavioral health services shall be permitted during school hours if the
15 student's parent or legal guardian presents a behavioral health evaluation performed
16 by an evaluator as well as an assessment and authorized treatment plan performed
17 by a behavioral health provider chosen by the parent or legal guardian and the
18 evaluation indicates that the services are necessary during school hours to assist the
19 student with behavioral health impairments associated with a medical diagnosis that
20 the evaluator determines are interfering with the student's ability to thrive in the
21 educational setting.

22 (d) A behavioral health evaluation or assessment presented by the parent or
23 legal guardian of a student shall not be construed as an independent educational
24 evaluation for purposes of determining if a student meets the criteria established for
25 eligibility for special education and related services.

26 ~~(d)~~ (e) A public school governing authority shall not prohibit a behavioral
27 health evaluation, assessment, or authorized treatment plan from being performed
28 on school property in order to establish medical necessity or deliver medically
29 necessary services. Behavioral health services may be provided during any part of
30 the school day, including any and all instructional time in English, reading,

1 mathematics, and science, ~~if the public school governing authority and the behavioral~~
2 ~~health provider agree that it is in the best interest of the student.~~ The school
3 administrator and service provider shall work collaboratively to create a consistent
4 schedule that meets the medical needs of the student and complies with the provider's
5 ethical code of conduct. In developing the student's plan, consideration shall include
6 impacts on a school's operations and a student's testing schedule. If the parties
7 cannot agree, then the parties shall engage in a dispute resolution process set forth
8 by the state Department of Education in accordance with Subsection D of this
9 Section.

10 ~~(e)~~ (f) A public school governing authority shall not enter into a contract or
11 an exclusive agreement with a behavioral health provider that prohibits the parent
12 or legal guardian from choosing the behavioral health provider for the student.
13 However the provisions of this Subparagraph shall not impair any extant contract on
14 the effective date of this Section, or the renewal thereof.

15 ~~(f)~~ (g) The cost of all behavioral health services provided to a student shall
16 be the sole responsibility of the parent or legal guardian, individually or through an
17 applicable health insurance policy, Medicaid, or other third-party payor, other than
18 the public school governing authority, that has made funds available for the payment
19 for the services provided.

20 ~~(g)~~ (h) While on a school campus, a behavioral service provider shall comply
21 with, and abide by, the terms of any Individualized Education Plan, Individualized
22 Accommodation Plan, Section 504 Plan, Behavior Management Plan, or
23 Individualized Health Plan applicable to a student who is a patient of the provider.
24 The services furnished by a provider shall be incorporated into a written treatment
25 plan applicable to a student.

26 ~~(h)~~ (i) The parent or legal guardian of a student receiving services from a
27 behavioral service provider shall be required to execute a "consent to release
28 information form" between the provider and the public school governing authority.

