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AB-2315 Pupil health: mental and behavioral health services: telehealth technology: guidelines. (2017-2018)

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Assembly Bill No. 2315

CHAPTER 759

An act to add Section 49429 to the Education Code, relating to pupil health.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2315, Quirk-Silva. Pupil health: mental and behavioral health services: telehealth technology: guidelines.

Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils and authorizes the governing board of a school district to employ properly certified persons for the work.

This bill would require the State Department of Education, in consultation with the State Department of Health Care Services and appropriate stakeholders, to, on or before July 1, 2020, develop guidelines, as provided, for the use of telehealth technology in public schools, including charter schools, to provide mental health and behavioral health services to pupils on school campuses. The bill would require the State Department of Education to post the guidelines on its Internet Web site on or before July 1, 2020. The bill would provide that it shall only be implemented if sufficient funds are made available to the State Department of Education pursuant to an appropriation in the annual Budget Act or another statute for that purpose.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 49429 is added to the Education Code, to read:

49429. (a) The department, in consultation with the State Department of Health Care Services and appropriate stakeholders, including stakeholders with experience in telehealth, as defined in subdivision (d), shall develop guidelines on or before July 1, 2020, for the use of telehealth technology in public schools, including charter schools, to provide mental health and behavioral health services to pupils on school campuses.

(b) The guidelines developed pursuant to subdivision (a) shall include, but are not limited to, guidance on all of the following:

- (1) Qualifications of individuals authorized to provide assistance, within their scope of practice, to pupils in accessing mental health and behavioral health services via telehealth technology at a schoolsite.
- (2) Qualifications of individuals authorized to provide mental health and behavioral health services, within their scope of practice, to pupils via telehealth technology.

(3) Potential sources of funding for the purchase of the necessary equipment and technology infrastructure by schools to allow schools to provide telehealth services.

(4) The ability of mental and behavioral health services providers to access reimbursement through the Medi-Cal program or other sources for services provided to pupils at schoolsites via telehealth technology.

(5) The legal requirements for parental consent for the provision of mental health and behavioral health treatment of minors via telehealth technology.

(6) Measures necessary to protect the security of data transmitted via telehealth technology.

(7) Measures necessary to protect the privacy of pupil data pursuant to the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) and medical records pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(8) Potential school district, county office of education, and charter school liability associated with the provision of telehealth services.

(c) The department shall post the guidelines developed pursuant to this section on its Internet Web site on or before July 1, 2020.

(d) For purposes of this section, "telehealth" means the mode of delivering health care services via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a pupil's health care while the pupil is at a schoolsite and the health care provider is at a distant site.

(e) This section shall only be implemented if sufficient funds are made available to the department pursuant to an appropriation in the annual Budget Act or another statute for that purpose.