

By: Moody, Garcia

H.B. No. 98

A BILL TO BE ENTITLED

AN ACT

relating to the administration, provision, and Medicaid reimbursement of mental health or behavioral health services provided to certain public school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.037 to read as follows:

Sec. 38.037. ON-CAMPUS MENTAL HEALTH OR BEHAVIORAL HEALTH SERVICES. (a) A school district may contract with a local mental health authority to provide mental health or behavioral health services on a campus of the district.

(b) At the request of a student's parent or guardian, a local mental health authority providing on-campus mental health or behavioral health services that conducts a mental health or behavioral health assessment of the student or provides mental health or behavioral health services to the student shall provide to the student's primary care physician the results of the assessment conducted and, if applicable, the results of any services provided.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.021136 and 531.024121 to read as follows:

Sec. 531.021136. COMMISSION'S AUTHORITY TO RETAIN CERTAIN MONEY TO ADMINISTER SCHOOL HEALTH AND RELATED SERVICES PROGRAM.

1 (a) This section applies only to federal money the commission
2 receives to provide the school health and related services program.

3 (b) Subject to Subsection (c), the commission may retain
4 from the money to which this section applies an amount equal to the
5 estimated costs necessary, as determined by the commission, to
6 administer the school health and related services program,
7 including costs associated with the development of training
8 materials, compliance monitoring, technical assistance, and audit
9 functions.

10 (c) The amount retained by the commission under this section
11 may not exceed two percent of the total amount received by the
12 commission during a state fiscal year.

13 Sec. 531.024121. SCHOOL HEALTH AND RELATED SERVICES
14 PROGRAM: INTEGRITY AND AUDIT FUNCTIONS. (a) The commission shall
15 make every effort to ensure the integrity of the school health and
16 related services program, including by:

17 (1) performing risk assessments of every element of
18 the program;

19 (2) annually performing desk audits of all local
20 education agencies participating in the program;

21 (3) performing in-depth audits of a sample of local
22 education agencies;

23 (4) ensuring compliance with all applicable federal
24 standards and guidance regarding the administration of random
25 moment time studies, coding, and cost claiming;

26 (5) considering information provided by the Texas
27 Education Agency on the agency's audits of local education agencies

1 that participate in the program;

2 (6) coordinating with the Texas Education Agency and
3 any relevant stakeholders or advisory bodies in the development of
4 training materials, policies, and technical assistance necessary
5 to ensure compliance with all applicable state and federal
6 requirements; and

7 (7) evaluating the program based on metrics developed
8 by the commission.

9 (b) The commission may contract with a third party with the
10 necessary expertise to comply with this section.

11 (c) At least once every five years, the commission's office
12 of inspector general shall evaluate the effectiveness of the
13 commission's efforts to ensure the integrity of the school health
14 and related services program.

15 SECTION 3. Subchapter B, Chapter 32, Human Resources Code,
16 is amended by adding Sections 32.0271 and 32.04245 to read as
17 follows:

18 Sec. 32.0271. REIMBURSEMENT FOR CERTAIN SERVICES PROVIDED
19 TO MEDICAID-ENROLLED STUDENTS BY LOCAL EDUCATION AGENCIES. (a) In
20 this section, "local education agency" includes a school district
21 or open-enrollment charter school.

22 (b) This section applies only with respect to a child who is
23 enrolled in Medicaid and is eligible to receive services under the
24 school health and related services program, regardless of whether
25 the child has an individualized education program.

26 (c) The commission shall ensure that reimbursement under
27 the school health and related services program is provided to a

1 local education agency for all mental health and behavioral health
2 services covered under the program that are provided to a child
3 described by Subsection (b).

4 (d) The parent or legal guardian of a child to whom this
5 section applies must provide written consent for any services
6 provided to the child under this section. The parent or legal
7 guardian may revoke that consent at any time.

8 (e) A local education agency that provides mental health or
9 behavioral health services to a child under this section shall
10 provide a written summary of each of the child's service visits to:

11 (1) if the child is younger than 18 years of age, the
12 child's parent or legal guardian; and

13 (2) if the child's parent or legal guardian provides
14 consent, the child's primary care provider.

15 (f) This section does not require a local education agency
16 to enroll as a Medicaid provider.

17 Sec. 32.04245. SCHOOL HEALTH AND RELATED SERVICES PROGRAM:
18 THIRD-PARTY INSURERS. The commission may not provide reimbursement
19 under the school health and related services program to a
20 third-party health insurer for any service provided in order to
21 facilitate the coordination of benefits.

22 SECTION 4. As soon as practicable after the effective date
23 of this Act, the Health and Human Services Commission shall seek any
24 necessary amendment to the state Medicaid plan or other appropriate
25 authorization from the Centers for Medicare and Medicaid Services
26 or other appropriate federal agency to implement Section 32.0271,
27 Human Resources Code, as added by this Act, and may delay

1 implementing that section until the amendment or other
2 authorization is granted.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2023.