



Guidance for School Behavioral Health Screening and Telehealth Services

Introduction

On June 29, 2020, Governor Reynolds signed [Senate File 2261](#) which expands the opportunities for students to access behavioral health services with a licensed professional mental health provider in a school setting via telehealth, with parent or guardian consent, and allows for school districts, accredited non-public schools, and Area Education Agencies (AEAs) to contract licensed mental health providers to conduct in-person, universal behavioral health screenings with parent or guardian permission.

Purpose

The purpose of this guidance is to inform Iowa AEAs, public school districts, and accredited nonpublic school districts of their responsibilities and the responsibilities of behavioral health service providers as required by Iowa Code sections 280A.1 through 280A.4. This guidance summarizes what is required or permitted by the school district, accredited nonpublic school, the AEA, and mental health provider, should they choose to enter into agreements for behavioral health screenings or telehealth services.

The section includes general summaries of the following: Behavioral Health Screening and Assessments in School Settings, Establishment of Provider-Patient Relationship for Telehealth in a School Setting, Behavioral Health Services Provided via Telehealth in a School Setting, and Coverage of Behavioral Health Services Provided in a School Setting.

Definitions

“Accredited nonpublic school” means any school, other than a public school, that is accredited pursuant to section 256.11 for any and all levels for grades one through twelve.

“Area education agency” means an area education agency established pursuant to chapter 273.

“Behavioral health screening” or *“screening”* means a screening and assessment performed using a universal behavioral health screening and assessment tool, approved for use by the department of education in consultation with the department of public health and the department of human services, to identify factors that place children at higher risk for behavioral health conditions, to determine appropriate treatment or intervention, and to identify the need for referral for appropriate services.

“Behavioral health services” means services provided by a health care professional operating within the scope of the health care professional’s practice which address mental, emotional, medical, or behavioral conditions, illnesses, diseases, or problems.

“Educational service agency” means a governmental agency or government entity which is established and operated exclusively for the purpose of providing educational services to one or more educational institutions.

“Health care professional” means a physician or other health care practitioner licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

“In-person encounter” means that the mental health professional and the student are in the physical presence of each other and are in the same physical location during the provision of behavioral health services.

“Mental health professional” means the same as defined in [section 228.1](#).

“Patient” means a student receiving a behavioral health screening or other behavioral health services in accordance with this chapter.

“Primary care provider” means the personal provider trained to provide the first contact and continuous and comprehensive care to a patient and includes but is not limited to any of the following licensed or certified health care professionals who provide primary care:

1. A physician who is a family or general practitioner or a pediatrician.
2. An advanced registered nurse practitioner.
3. A physician assistant.

“Provider-patient relationship” means the relationship between the patient and the mental health professional that meets the requirements for commencement and establishment of a valid provider-patient relationship

“Public school” means any school directly supported in whole or in part by taxation.

“School” means all of the following:

1. Any school, other than a public school, that is accredited pursuant to section 256.11 for any and all levels for grades one through twelve.
2. Any school directly supported in whole or in part by taxation.
3. An area education agency established pursuant to chapter 273.

“School district” means a school district described in [chapter 274](#).

“Student” means a person enrolled in and attending an accredited nonpublic school or a public school in grades one through twelve.

“Telehealth” means the same as defined in section 514C.34, the delivery of health care services through the use of interactive audio and video. “Telehealth” does not include the delivery of health care services through an audio-only telephone, electronic mail message, or facsimile transmission.

Behavioral Health Screenings and Assessments in School Settings

Universal behavioral health screenings and assessments in school settings identify factors that place children at higher risk for behavioral health conditions, assist in determining appropriate support or intervention, and identify the need for referral for appropriate services. Schools and Area Education Agencies (AEAs) are allowed to contract with mental health professionals to provide on-site behavioral health screenings, using screeners approved by the Department of Education, to students on-site, with parent or guardian permission. In this legislation, student means a person in grades one through twelve enrolled in a public school or accredited nonpublic school. The Department, in consultation with the Department of Human Services and Department of Public Health, will develop an approved list of behavioral health screeners and ongoing approval process by February 1, 2021.

Table 1: Legislative Authority, Action, Required or Permitted, and By Whom

Item	Legislative Authority	Action	Required or Permitted	By Whom
1	Section 2. New Section. 280 A.2 1.a. 1 b. (1)(2)	<p>A school district, an accredited nonpublic school, or an area education agency (AEA) is permitted to contract with a mental health professional or a nationally accredited behavioral health care organization in order to provide universal behavioral health <u>screenings</u> to students. The screenings must be administered <u>in-person</u>, using a screener approved by the Department of Education, in consultation with the Department of Public Health and the Department of Human Services.</p> <p>This legislation does not reduce or limit the districts, accredited nonpublic schools or AEA's ability to continue existing non-contract behavioral health screening practices. It expands the school districts' ability to contract with private behavioral health providers to administer approved behavioral health screenings.</p> <p>When administering screeners <u>without contracting such services</u>, it is <u>recommended</u> that districts, accredited nonpublic schools and AEAs use approved screeners, however, they may use non-approved screeners at their discretion.</p>	Permitted	School district, Accredited nonpublic school, or AEA
		<p>If the school district, accredited nonpublic school, or AEA <u>contracts</u> for on-site student behavioral health screenings, the following are required:</p> <ol style="list-style-type: none"> a. <u>written</u> parent or guardian consent for the student to participate in the screening b. it is recommended the district/AEA maintain the consents at the school district in case of audit c. The consent must allow for the mental health professional to disclose the screening results to the school or AEA if there is a credible threat to the health and safety of the student or others. 	Required	School district, Accredited nonpublic school, or AEA
2	2.a – 2b.	<p>If a mental health professional conducts the screening and determines that a student needs additional behavioral health services, the mental health professional:</p> <ol style="list-style-type: none"> a. <u>is required</u> to notify the parent or guardian of the student of the results of the screening. b. <u>may notify</u> the student's primary care provider, with parent or guardian consent. The mental health professional <u>may provide</u> a list of local primary care providers to the parents or guardians if the student does not have one. 	Required Permitted	Mental Health Professional

Establishment of Provider-Patient Relationship for Telehealth in a School Setting

Table 2: Legislative Authority, Action Required or Permitted, By Whom, and Deadline

Item	Legislative Authority	Action	Required or Permitted	By Whom	Deadline
1	Sec. 3 New Section. 280A.3 1.-3.	A mental health professional is required to establish a <u>valid provider-patient relationship</u> with a student in order to provide behavioral telehealth services. The provider-patient relationship is established when: <ol style="list-style-type: none"> <u>The student</u>, with the consent of the student’s parent or guardian, seeks help from a mental health professional. <u>The mental health professional</u> agrees to provide treatment of the student. <u>The student’s parent or guardian</u> agrees to have the student treated by the mental health professional. 	Required	Mental Health Professional	<u>Prior</u> to behavioral telehealth services provided
2	3.a – 3.c	A valid provider-patient relationship may be established through any of the following means: <ol style="list-style-type: none"> an <u>in-person medical interview and physical examination</u> conducted under the standard of care required for an in-person encounter. <u>consultation with a primary care provider</u> who has an established relationship with the patient and who agrees to participate in or supervise the patient’s care. Use of interactive audio and video, <u>Telehealth, if:</u> <ol style="list-style-type: none"> the standard of care does not require an in-person encounter, in accordance with evidence-based standards of practice and telehealth practice guidelines that address the clinical and technological aspects of telehealth, <u>the student’s parent or guardian is present.</u> 	Permitted	Mental Health Professional	<u>Prior</u> to behavioral telehealth services provided
3	4.	After a provider-patient relationship is established, <u>the parent or guardian consent is required prior to the student receiving behavioral health services</u> via telehealth. A consent form is required each academic year that the student receives telehealth services.	Required	Mental health Professional	Prior to behavioral telehealth services

Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.

Item	Legislative Authority	Action	Required or Permitted	By Whom	Deadline
4	4.	The school district is required to maintain any consent form completed by a parent or guardian.	Required	School district, Accredited nonpublic school, or AEA	Each year that the student participates in services

Behavioral Health Services Provided Via Telehealth in a School Setting

Table 3: Legislative Authority, Action, Required or Permitted, By Whom, and Deadline

Item	Legislative Authority	Action	Required or Permitted	By Whom	Deadline
1	Sec. 4 New Section. 280A.4a.–4f.	<p>A school district, accredited nonpublic school or AEA is <u>permitted</u> to provide <u>access</u> to behavioral health services via telehealth on school/AEA premises.</p> <p>In order to do so, they are <u>required to</u>:</p> <ol style="list-style-type: none"> Provide a secure, confidential, and private room for services and the technology necessary to conduct telehealth services. Maintain parent or guardian consent forms for each academic year the student receives services. Maintain a schedule for student appointments and arrange for the student access to the room by a school nurse or other appropriately trained school or AEA agency employee. Ensure that no employee is present in the same room as the student during the session or service. Provide information to the student participating in telehealth services about how and to whom to report inappropriate behavior by a mental health professional. Provide access to the student's parent or guardian to participate in any of the student's telehealth sessions. 	<p>Permitted</p> <p>Required</p>	School district, Accredited nonpublic school, or AEA	On/after January 1, 2021
2	2.	The school district, accredited nonpublic school or AEA <u>is not allowed</u> to access any of the student's medical records or be responsible for billing for the telehealth services.	Required	School district, Accredited nonpublic school, or AEA	On/after January 1, 2021
3	3.	A mental health professional with prescribing authority who provides telehealth services is not allowed to alter the dosage of an existing medication or prescribe any new medication during a telehealth session without prior consultation with the student's parent or guardian.	Required	Mental Health Professional	On/after January 1, 2021

Item	Legislative Authority	Action	Required or Permitted	By Whom	Deadline
4	4.	The mental health professional is required to notify the student's parent or guardian of the time and place for each scheduled telehealth session and specify the means available for the parent or guardian to participate in the session.	Required	Mental Health Professional	On-going for each telehealth session on/after January 1, 2021
5	5.	All student patient records created by the mental health or primary care provider must be kept confidential and cannot be shared with the school or AEA unless it is to prevent a serious and imminent threat to the health and safety of a student or other person, and the mental health professional assesses that the student has intent and ability to carry out the threat.	Required	Mental Health or Primary Care Provider	On/after January 1, 2021
6	6.	Public school district, accredited nonpublic school, AEA, the Boards of Directors of a school district or AEA, authorities in charge of accredited nonpublic school, and employees of schools or agencies, who act in reasonable and good faith are not liable for any injury resulting from the provision of voluntary behavioral health screening or behavioral health services.	N/A	School District, Accredited Nonpublic School, AEA and Boards of Directors	July 1, 2020

Federally Funded, No-Cost Technical Assistance

- [National Consortium of Telehealth Resource Centers](#)
- [Great Plains Telehealth Resource & Assistance Center](#)

Coverage of Behavioral Health Services Provided in a School

Section 5 Iowa Code section 51C.35 applies to third-party payment provider policies, contracts, or claims for reimbursement on or after January 1, 2021.

Table 4: Legislative Authority, Action, and Deadline

Item	Legislative Authority	Action	Deadline
2	Sec 5. New Section. 51C.35 1.-3.	<p>Entities that reimburse or manage health care or medical expenses are not allowed to deny coverage or payment for behavioral health services, including via telehealth, solely because the services are delivered in a school, (notwithstanding the uniformity of treatment requirement section 514C.6.)</p> <p>The legislation <u>does not</u>:</p> <ol style="list-style-type: none"> Require an insurer to pay for behavioral health services that are otherwise excluded from coverage under a policy, contract, or plan. Require an insurer to pay for behavioral health services that are provided by <u>an individual employed by or under contract with a school district or an educational service agency in a regular full-time or part-time position, or any other party that has not entered into a provider agreement with the insurer.</u> Prevent application of any other provision of a policy, contract, or plan. 	On/after January 1, 2021