



### **SB 1523 mental health omnibus (Brophy McGee)**

This bill directs health care insurers to comply with the Mental Health Parity and Addiction Equity Act (MHPAEA) and establishes the Children’s Behavioral Health Services Fund to pay for eligible behavioral health services. The provisions of this omnibus that impact schools are outlined below.

#### **Health Insurance Companies**

- Precludes an insurer that issues a health plan in Arizona that includes mental health or substance use disorder (MH/SUD) benefits from denying any claim for such benefits for a minor solely because the MH/SUD service was provided in a school or other educational setting, or court ordered and provided by an in-network provider or permissible out-of-network provider.
- Permits an insurer to require that any MH/SUD service offered by a mental health provider in an educational setting be provided in a location that is appropriate for the service and in a manner that complies with applicable laws for privacy and the provision of health care services.

#### **Arizona Department of Education**

- Directs the Arizona Department of Education (ADE) to contract with a research entity to conduct a research study, via a request for proposals (RFP) for determining the adequacy of behavioral health services offered in Arizona school districts and charter schools by January 1, 2021
- Requires ADE, prior to issuing the RFP, to jointly convene with the State Board of Education, AHCCCS and a stakeholder group to recommend the scope and sequence of the RFP.
- Prescribes membership of the stakeholder group.
- Requires the research entity selected by ADE through the RFP to:
  - Survey identified school districts and charter schools and identify how behavioral health services are delivered to students in those settings
  - Identify behavioral health community organizations and associations that serve school counselors, social workers and psychologists in Arizona
  - Identify best practices relating to the provision of behavioral health services for public school pupils in Arizona
  - Determine the total costs to schools and providers as well as existing barriers in behavioral health services in school settings
  - Make recommendations on how the quality and accessibility of behavioral health services may be augmented in public schools.



Arizona School Boards Association

- Appropriates \$300,000 to ADE from the state GF in FY21 to distribute to the research entity selected through the RFP.
- Requires ADE, DHS and AHCCCS to reconvene the stakeholder group prior to submitting the required report to evaluate the recommendations and findings.
- Requires ADE to submit the report, including the stakeholder group's evaluation and summary of the research study's findings and conclusions, to the presiding officer in each chamber of the Legislature and requires that a copy be provided to the Secretary of State.

#### School District Governing Boards

- Requires each school district governing board or charter school governing body to adopt policies relating to school-based behavioral health referrals
- Specifies the policies adopted must be vetted at a public meeting open to public comment and be posted on the school's website after adoption
- Requires the policies to include the following:
  - A process to allow a parent to annually opt out of school-based referrals
  - A process to conduct a survey of parents whose children were referred and received behavioral health services that may be completed online
    - Specifies the survey must include the following:
      - Whether the parent opted into the program
      - Whether the parent was notified before the referral took place
      - Whether the behavioral health services provided were appropriate to meet the student's needs
      - Whether the parent is satisfied with the choice of behavioral health services provider
      - Whether the parent intends to opt into a program again in the following school year
  - A requirement that each school's website contain a list of behavioral health services providers with whom the school contracts
- Requires each participating school district and charter school to report the survey results to AHCCCS at the end of each school year
- Directs AHCCCS to compile a report based on the surveys received that includes the number of students served, the types of behavioral health services provided, and the costs of the behavioral health services provided