

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 882
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10415-MT-129

Short Title: Behavioral Health Services for Students. (Public)

Sponsors: Representative Hawkins.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT STUDENTS TO RECEIVE BEHAVIORAL HEALTH SERVICES IN
3 PUBLIC SCHOOL UNITS.

4 The General Assembly of North Carolina enacts:

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6 **PART I. STUDENTS MAY RECEIVE BEHAVIORAL HEALTH SERVICES IN PUBLIC**
7 **SCHOOL UNITS**

8 **SECTION 1.(a)** Article 25A of Chapter 115C of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 115C-375.10. Behavioral health services for students.**

11 (a) Definitions. – For purposes of this section, the following definitions shall apply:

12 (1) Behavioral health provider. – A health care provider who is authorized to
13 provide adaptive behavior treatment, as provided in G.S. 58-3-192, including
14 applied behavior analysis or research-based behavioral health treatment under
15 the North Carolina Medicaid State Plan. For purposes of this section, the term
16 "health care provider" shall also include the supervisees of the health care
17 provider. A health care provider shall meet all of the following criteria:

18 a. Act within the scope of his or her practice.

19 b. Not be an employee of a public school unit or the Department of Public
20 Instruction.

21 (2) Behavioral health services. – Any of the following services provided by a
22 behavioral health provider:

23 a. Adaptive behavior treatment, as defined in G.S. 58-3-192.

24 b. Research-based behavioral health treatment under the North Carolina
25 Medicaid State Plan.

26 (3) Behavioral health treatment plan. – A plan developed by a behavioral health
27 provider to provide behavioral health services to a student on school property
28 during the instructional day. A behavioral health treatment plan shall have no
29 bearing on whether a student is considered a child with a disability under
30 G.S. 115C-106.3(1). At a minimum, the behavioral health treatment plan shall
31 include the following information:

32 a. The functional skills deficits, behaviors, and other conditions of the
33 student to be addressed by the behavioral health provider.

34 b. Goals for the student to do any of the following, to the maximum
35 extent practicable:

36 1. Decrease maladaptive behaviors.



1 prohibit a parent or guardian from choosing his or her preferred behavioral health provider for
2 the student."

3 SECTION 1.(b) G.S. 115C-47 is amended by adding a new subdivision to read:

4 "(65) Behavioral Health Services. – Local boards of education shall comply with
5 the requirements for behavioral health services provided in
6 G.S. 115C-375.10."

7 SECTION 1.(c) G.S. 115C-12 is amended by adding a new subdivision to read:

8 "(47) Behavioral Health Services. – The State Board of Education shall ensure that
9 each public school unit operated under the control of the State Board of
10 Education complies with the requirements for behavioral health services
11 provided in G.S. 115C-375.10."

12 SECTION 1.(d) G.S. 115C-218.75 is amended by adding a new subsection to read:

13 "(i) Behavioral Health Services. – Each charter school shall comply with the requirements
14 for behavioral health services provided in G.S. 115C-375.10."

15 SECTION 1.(e) G.S. 115C-238.66 is amended by adding a new subdivision to read:

16 "(17) Behavioral health services. – Each regional school shall comply with the
17 requirements for behavioral health services provided in G.S. 115C-375.10."

18 SECTION 1.(f) G.S. 116-239.8(b) is amended by adding a new subdivision to read:

19 "(19) A laboratory school shall comply with the requirements for behavioral health
20 services provided in G.S. 115C-375.10."

21 SECTION 1.(g) Section 6(d)(2) of S.L. 2018-32 is amended by adding a new
22 sub-subdivision to read:

23 "p. (65) [Behavioral Health Services]."

24 SECTION 1.(h) This section applies beginning with the 2021-2022 school year.

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26 **PART II. AUTISM COVERAGE AT SCHOOL**

27 SECTION 2.(a) G.S. 58-3-192 reads as rewritten:

28 "§ 58-3-192. Coverage for autism spectrum disorder.

29 ...

30 (d) Coverage under this section may not be denied on the basis that the treatments are
31 habilitative or educational in nature. Coverage under this section may not be denied on the basis
32 that the treatment is provided in a school or other educational setting.

33"

34 SECTION 2.(b) This section becomes effective October 1, 2021, and applies to
35 health benefit plan contracts issued, renewed, or amended on or after that date.

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37 **PART III. EFFECTIVE DATE**

38 SECTION 3. Except as otherwise provided, this act is effective when it becomes
39 law.