

1 A bill to be entitled
 2 An act relating to telehealth practice standards;
 3 amending s. 456.47, F.S.; revising the definition of
 4 the term "telehealth"; reenacting ss. 394.455(47) and
 5 1011.62(13)(b), F.S., relating to definitions and
 6 funds for operation of schools, to incorporate the
 7 amendment made to s. 456.47, F.S., in references
 8 thereto; providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Paragraph (a) of subsection (1) of section
 13 456.47, Florida Statutes, is amended to read:

14 456.47 Use of telehealth to provide services.—

15 (1) DEFINITIONS.—As used in this section, the term:

16 (a) "Telehealth" means the use of synchronous or
 17 asynchronous telecommunications technology by a telehealth
 18 provider to provide health care services, including, but not
 19 limited to, assessment, diagnosis, consultation, treatment, and
 20 monitoring of a patient; transfer of medical data; patient and
 21 professional health-related education; public health services;
 22 and health administration. The term does not include ~~audio-only~~
 23 ~~telephone calls~~, e-mail messages, or facsimile transmissions.

24 Section 2. For the purpose of incorporating the amendment
 25 made by this act to section 456.47, Florida Statutes, in a

26 | reference thereto, subsection (47) of section 394.455, Florida
27 | Statutes, is reenacted to read:

28 | 394.455 Definitions.—As used in this part, the term:

29 | (47) "Telehealth" has the same meaning as provided in s.
30 | 456.47.

31 | Section 3. For the purpose of incorporating the amendment
32 | made by this act to section 456.47, Florida Statutes, in a
33 | reference thereto, paragraph (b) of subsection (13) of section
34 | 1011.62, Florida Statutes, is reenacted to read:

35 | 1011.62 Funds for operation of schools.—If the annual
36 | allocation from the Florida Education Finance Program to each
37 | district for operation of schools is not determined in the
38 | annual appropriations act or the substantive bill implementing
39 | the annual appropriations act, it shall be determined as
40 | follows:

41 | (13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental
42 | health assistance allocation is created to provide funding to
43 | assist school districts in establishing or expanding school-
44 | based mental health care; train educators and other school staff
45 | in detecting and responding to mental health issues; and connect
46 | children, youth, and families who may experience behavioral
47 | health issues with appropriate services. These funds shall be
48 | allocated annually in the General Appropriations Act or other
49 | law to each eligible school district. Each school district shall
50 | receive a minimum of \$100,000, with the remaining balance

51 allocated based on each school district's proportionate share of
52 the state's total unweighted full-time equivalent student
53 enrollment. Charter schools that submit a plan separate from the
54 school district are entitled to a proportionate share of
55 district funding. The allocated funds may not supplant funds
56 that are provided for this purpose from other operating funds
57 and may not be used to increase salaries or provide bonuses.
58 School districts are encouraged to maximize third-party health
59 insurance benefits and Medicaid claiming for services, where
60 appropriate.

61 (b) The plans required under paragraph (a) must be focused
62 on a multitiered system of supports to deliver evidence-based
63 mental health care assessment, diagnosis, intervention,
64 treatment, and recovery services to students with one or more
65 mental health or co-occurring substance abuse diagnoses and to
66 students at high risk of such diagnoses. The provision of these
67 services must be coordinated with a student's primary mental
68 health care provider and with other mental health providers
69 involved in the student's care. At a minimum, the plans must
70 include the following elements:

71 1. Direct employment of school-based mental health
72 services providers to expand and enhance school-based student
73 services and to reduce the ratio of students to staff in order
74 to better align with nationally recommended ratio models. These
75 providers include, but are not limited to, certified school

76 | counselors, school psychologists, school social workers, and
77 | other licensed mental health professionals. The plan also must
78 | identify strategies to increase the amount of time that school-
79 | based student services personnel spend providing direct services
80 | to students, which may include the review and revision of
81 | district staffing resource allocations based on school or
82 | student mental health assistance needs.

83 | 2. Contracts or interagency agreements with one or more
84 | local community behavioral health providers or providers of
85 | Community Action Team services to provide a behavioral health
86 | staff presence and services at district schools. Services may
87 | include, but are not limited to, mental health screenings and
88 | assessments, individual counseling, family counseling, group
89 | counseling, psychiatric or psychological services, trauma-
90 | informed care, mobile crisis services, and behavior
91 | modification. These behavioral health services may be provided
92 | on or off the school campus and may be supplemented by
93 | telehealth.

94 | 3. Policies and procedures, including contracts with
95 | service providers, which will ensure that:

96 | a. Students referred to a school-based or community-based
97 | mental health service provider for mental health screening for
98 | the identification of mental health concerns and students at
99 | risk for mental health disorders are assessed within 15 days of
100 | referral. School-based mental health services must be initiated

101 within 15 days after identification and assessment, and support
102 by community-based mental health service providers for students
103 who are referred for community-based mental health services must
104 be initiated within 30 days after the school or district makes a
105 referral.

106 b. Parents of a student receiving services under this
107 subsection are provided information about other behavioral
108 health services available through the student's school or local
109 community-based behavioral health services providers. A school
110 may meet this requirement by providing information about and
111 Internet addresses for web-based directories or guides for local
112 behavioral health services.

113 c. Individuals living in a household with a student
114 receiving services under this subsection are provided
115 information about behavioral health services available through
116 other delivery systems or payors for which such individuals may
117 qualify, if such services appear to be needed or enhancements in
118 those individuals' behavioral health would contribute to the
119 improved well-being of the student.

120 4. Strategies or programs to reduce the likelihood of at-
121 risk students developing social, emotional, or behavioral health
122 problems, depression, anxiety disorders, suicidal tendencies, or
123 substance use disorders.

124 5. Strategies to improve the early identification of
125 social, emotional, or behavioral problems or substance use

126 disorders, to improve the provision of early intervention
127 services, and to assist students in dealing with trauma and
128 violence.

129 6. Procedures to assist a mental health services provider
130 or a behavioral health provider as described in subparagraph 1.
131 or subparagraph 2., respectively, or a school resource officer
132 or school safety officer who has completed mental health crisis
133 intervention training in attempting to verbally de-escalate a
134 student's crisis situation before initiating an involuntary
135 examination pursuant to s. 394.463. Such procedures must include
136 strategies to de-escalate a crisis situation for a student with
137 a developmental disability as that term is defined in s.
138 393.063.

139 7. Policies of the school district which must require that
140 in a student crisis situation, school or law enforcement
141 personnel must make a reasonable attempt to contact a mental
142 health professional who may initiate an involuntary examination
143 pursuant to s. 394.463, unless the child poses an imminent
144 danger to themselves or others, before initiating an involuntary
145 examination pursuant to s. 394.463. Such contact may be in
146 person or using telehealth as defined in s. 456.47. The mental
147 health professional may be available to the school district
148 either by contracts or interagency agreements with the managing
149 entity, one or more local community behavioral health providers,
150 or the local mobile response team or be a direct or contracted

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151 | school district employee.

152 | Section 4. This act shall take effect July 1, 2023.