

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 22.1-272.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered § 22.1-272.3, relating to school boards; school-based telehealth and mental health teletherapy services; increasing accessibility; policies and requirements.*

[S 1037]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-272.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-272.3 as follows:**

**§ 22.1-272.2. Department; model memorandum of understanding; partnerships with community mental health services providers or a nationally recognized school-based telehealth provider.**

A. The Department, in consultation with the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services, shall develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider or a nationally recognized school-based telehealth provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider, including the provision of mental health teletherapy for students *outside of regular school hours and during regular school hours on school property*, reflects effective practices, and addresses privacy considerations related to the exchange of information between the parties to the memorandum of understanding and relevant laws and regulations. The Department shall maintain and update as necessary the model memorandum of understanding to ensure that it remains current, useful, and relevant.

B. *Any school board may provide school-based mental health teletherapy services and permit any public school student in the school division to schedule and participate in mental health teletherapy services on school property during regular school hours on the same basis as such students are permitted to schedule and participate in school counseling services.*

C. *Any school board that chooses to provide such mental health teletherapy services pursuant to subsection B shall (i) enter into a memorandum of understanding with a nationally recognized school-based telehealth provider in accordance with the model memorandum of understanding developed by the Department pursuant to subsection A that ensures and sets forth parameters for the provision of mental health teletherapy services for students during regular school hours and (ii) develop and implement, pursuant to § 22.1-272.3, policies and guidance for permitting any public school student in the school division to schedule and participate in mental health teletherapy services on school property during regular school hours.*

**§ 22.1-272.3. Student access to telehealth services; school division policies.**

A. *In order to increase access to health care services for students, each school board shall consider developing and implementing policies for permitting any public school student in the school division to schedule and participate in telehealth services and mental health teletherapy services on school property during regular school hours with parental consent. Any school board that implements and develops policies for permitting any public school student in the school division to schedule and participate in mental health teletherapy services shall enter into a memorandum of understanding with a nationally recognized school-based telehealth provider in accordance with the model memorandum of understanding developed by the Department pursuant to § 22.1-272.2.*

B. *Any such policies developed and implemented by a school board for permitting any public school student in the school division to schedule and participate in telehealth services and mental health teletherapy services pursuant to subsection A shall:*

1. *Permit any public school student in the school division to schedule and participate in telehealth and mental health teletherapy services on school property during regular school hours on the same basis as such students are permitted to schedule and participate in school counseling services;*

2. *Require each public elementary and secondary school at which such telehealth services are provided to (i) designate a location in such school for students to use for such telehealth appointments that ensures the privacy and safety of such students and has Internet access and (ii) implement measures to ensure the privacy and safety of each student participating in a telehealth appointment;*

3. *Prohibit any student from being subject to any disciplinary measure or consequence for participating in a telehealth appointment during regular school hours if such student would not be subject to disciplinary measures or consequences for an absence for the purpose of receiving any health care services in person during regular school hours; and*

57       4. Include such other requirements as the school board deems necessary and appropriate.

58       C. Any such policies developed and implemented by a school board for permitting any public school  
59 student in the school division to schedule and participate in telehealth services and mental health teletherapy  
60 services shall, in addition to the requirements set forth of subsection B, be consistent with, but may be more  
61 comprehensive than, the parameters set forth in the memorandum of understanding between the school board  
62 and the nationally recognized school-based telehealth provider developed by the school board pursuant to §  
63 22.1-272.2.

64       D. Each school board that develops and implements any policies in accordance with this section shall  
65 provide guidance relating to the implementation of such policies for administrative and instructional  
66 personnel and shall post such guidance in a publicly accessible location on its website at the beginning of  
67 each school year.