



Bill Number: S.B. 1523

Brophy McGee Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

## FLOOR AMENDMENT EXPLANATION

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1. Establishes eligibility requirements for individuals to receive behavioral health services paid for by the Child Behavioral Health Services Fund, and stipulates that a person is eligible if the person:
  - a) meets prescribed legal age requirements for school admission;
  - b) is uninsured or under insured;
  - c) is referred for behavioral health services by an education institution;
  - d) receives referred services by a contracted licensed behavioral health provider;  
and
  - e) receives the referred services on or off school grounds.
2. Permits the Arizona Health Care Cost Containment System (AHCCCS) to impose cost sharing requirements for contractor-provided behavioral health services.
3. Allows insurers to require that Mental Health/Substance Use Disorder services provided in educational settings be provided with parental consent.
4. Eliminates proposed language directing the Arizona Department of Education to conduct a research study and eliminates the associated appropriation.
5. Requires school district governing boards to adopt policies relating to school-based referrals before behavioral health services are provided in educational setting and outlines minimum requirements including a parent survey and an opt-in process.
6. Directs AHCCCS to compile an annual report based on the parent survey results and specified utilization data and outlines additional reporting requirements regarding the referral of behavioral health services to students, and repeals the reporting requirements on July 1, 2023, rather than July 1, 2022.
7. Increases the appropriation to the Department of Insurance and Financial Institutions (DIFI) from \$200,000 to \$250,000.
8. Delays the appropriated Children's Behavioral Health Fund monies from lapsing until June 30, 2022.

- 9. Requires DIFI to adopt rules by April 2021 rather than January 2022.**
- 10. Specifies DIFI is not precluded from requesting information or data that is necessary to verify compliance with mental health parity requirements.**
- 11. Expands the Mental Health Parity Advisory Committee membership.**
- 12. Requires the Suicide Mortality Review Team to approve requests for information.**

**Amendment explanation prepared by Cherie Stone**

**3/3/20**

BROPHY MCGEE FLOOR AMENDMENT  
SENATE AMENDMENTS TO S.B. 1523  
(Reference to printed bill)

- 1 Page 1, line 45, strike "AZDIFI" insert "AZDOI"
- 2 Page 5, line 9, after "CHANGES" insert "OR TO SUPPLY ADDITIONAL DATA TO VERIFY  
3 COMPLIANCE"
- 4 Line 20, after the period insert "THE DEPARTMENT IS NOT PROHIBITED FROM  
5 OTHERWISE REQUESTING INFORMATION OR DATA THAT IS NECESSARY TO VERIFY  
6 COMPLIANCE WITH THE MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OR THIS  
7 CHAPTER."
- 8 Line 40, after the period insert "THE GUIDE MUST ALSO PROMINENTLY DISPLAY A  
9 LINK TO THE UNITED STATES DEPARTMENT OF LABOR'S WEBSITE, OR A RELATED  
10 WEBSITE, THAT PROVIDES INFORMATION ON APPEALS OR COMPLAINTS BY CONSUMERS  
11 WHO ARE COVERED BY SELF-INSURED PLANS THAT ARE REGULATED BY THE EMPLOYEE  
12 RETIREMENT INCOME SECURITY ACT OF 1974 (P.L. 93-406; 88 STAT. 829)."
- 13 Line 41, strike "2022" insert "2023"
- 14 Page 6, line 31, after "PRIVACY" insert "AND PARENTAL CONSENT"
- 15 Page 7, line 8, strike "TWO" insert "THREE"; after "MEMBERS" insert "OR FAMILY  
16 MEMBERS WHO ARE NOT EMPLOYED BY OR CONTRACTED WITH THE STATE AND"
- 17 Between lines 9 and 10, insert:  
18 "5. AT LEAST ONE MEMBER WHO REPRESENTS A HOSPITAL THAT PROVIDES  
19 INPATIENT BEHAVIORAL HEALTH SERVICES."
- 20 Between lines 42 and 43, insert:  
21 "9. A HEALTH CARE PROFESSIONAL FROM A STATEWIDE ASSOCIATION  
22 REPRESENTING NURSES."
- 23 Renumber to conform

1 Page 9, line 3, after "DENTAL" insert ", NURSING"

2 Line 36, after "F." insert "PURSUANT TO POLICIES ADOPTED BY THE SUICIDE  
3 MORTALITY REVIEW TEAM,"

4 Line 38, after the period insert "THE SUICIDE MORTALITY REVIEW TEAM OR A LOCAL  
5 TEAM MUST APPROVE ANY CONTACT, INTERVIEW, REQUEST OR SUBPOENA BEFORE THE  
6 TEAM MEMBER CONTACTS, INTERVIEWS OR OBTAINS INFORMATION FROM THE FAMILY  
7 MEMBER OF A DECEASED PERSON WHO DIED BY SUICIDE."

8 Page 10, line 2, strike "section" insert "sections"; after "36-3436" insert "and  
9 36-3436.01"

10 Line 15, strike the period insert "TO PAY FOR BEHAVIORAL HEALTH SERVICES FOR  
11 CHILDREN. TO BE ELIGIBLE TO RECEIVE BEHAVIORAL HEALTH SERVICES PAID BY THE  
12 FUND, AN INDIVIDUAL MUST MEET ALL OF THE FOLLOWING CONDITIONS:

13 1. MEET THE LEGAL AGE REQUIREMENTS FOR SCHOOL ADMISSION UNDER TITLE  
14 15 AT THE TIME THE INDIVIDUAL WAS ADMITTED AND BE ENROLLED IN SCHOOL.

15 2. BE UNINSURED OR UNDERINSURED.

16 3. BE REFERRED FOR BEHAVIORAL HEALTH SERVICES BY AN EDUCATIONAL  
17 INSTITUTION.

18 4. HAVE WRITTEN PARENTAL CONSENT TO OBTAIN THE BEHAVIORAL HEALTH  
19 SERVICES.

20 5. RECEIVE THE BEHAVIORAL HEALTH SERVICES BY A CONTRACTED LICENSED  
21 BEHAVIORAL HEALTH PROVIDER.

22 6. RECEIVE THE BEHAVIORAL HEALTH SERVICES ON OR OFF SCHOOL GROUNDS.  
23 D."

24 Between lines 34 and 35, insert:

25 "E. THE ADMINISTRATION MAY IMPOSE COST SHARING REQUIREMENTS ON A  
26 SLIDING FEE SCALE FOR BEHAVIORAL HEALTH SERVICES PROVIDED BY CONTRACTORS."

27 Reletter to conform

28 After line 42, insert:

29 "36-3436.01. School-based behavioral health services;  
30 referrals; requirements; annual report

31 A. BEFORE A SCHOOL PROVIDES SCHOOL-BASED REFERRALS FOR BEHAVIORAL  
32 HEALTH SERVICES TO A CONTRACTED BEHAVIORAL HEALTH SERVICES PROVIDER EITHER

1 PURSUANT TO THE CHILDREN'S BEHAVIORAL HEALTH SERVICES FUND ESTABLISHED BY  
2 SECTION 36-3436 OR FOR SERVICES PROVIDED THROUGH THE ARIZONA HEALTH CARE  
3 COST CONTAINMENT SYSTEM, THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER  
4 SCHOOL GOVERNING BODY SHALL ADOPT POLICIES RELATING TO SCHOOL-BASED  
5 REFERRALS. THESE POLICIES SHALL BE VETTED AT A PUBLIC MEETING IN WHICH THE  
6 SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY CONSIDERS  
7 ANY COMMENTS SUBMITTED BY THE PUBLIC BEFORE THE GOVERNING BOARD OR  
8 GOVERNING BODY ADOPTS THE POLICIES. THE SCHOOL DISTRICT GOVERNING BOARD OR  
9 CHARTER SCHOOL GOVERNING BODY SHALL POST THE POLICES ADOPTED PURSUANT TO  
10 THIS SECTION ON EACH APPLICABLE SCHOOL WEBSITE. THE POLICIES SHALL INCLUDE  
11 THE FOLLOWING:

12 1. A PROCESS TO ALLOW A PARENT TO ANNUALLY OPT INTO THE SCHOOL-BASED  
13 REFERRALS.

14 2. A PROCESS TO CONDUCT A SURVEY OF PARENTS WHOSE CHILDREN WERE  
15 REFERRED TO AND RECEIVED BEHAVIORAL HEALTH SERVICES PURSUANT TO THIS  
16 SECTION. THE SURVEY MAY BE COMPLETED ONLINE. THE SURVEY SHALL INCLUDE AT  
17 LEAST THE FOLLOWING:

18 (a) WHETHER THE PARENT OPTED INTO THE PROGRAM.

19 (b) WHETHER THE PARENT WAS NOTIFIED BEFORE THE REFERRAL TOOK PLACE.

20 (c) WHETHER THE BEHAVIORAL HEALTH SERVICES REFERRED WERE APPROPRIATE  
21 TO MEET THE STUDENT'S NEED.

22 (d) WHETHER THE PARENT IS SATISFIED WITH THE CHOICE OF BEHAVIORAL  
23 HEALTH SERVICES PROVIDERS.

24 (e) WHETHER THE PARENT INTENDS TO OPT INTO A PROGRAM AGAIN IN THE  
25 FOLLOWING SCHOOL YEAR.

26 3. A REQUIREMENT THAT EACH SCHOOL'S WEBSITE CONTAIN A LIST OF  
27 BEHAVIORAL HEALTH SERVICES PROVIDERS WITH WHOM THE SCHOOL CONTRACTS.

28 B. AT THE END OF EACH SCHOOL YEAR, EACH PARTICIPATING SCHOOL  
29 DISTRICT AND CHARTER SCHOOL SHALL REPORT TO THE ADMINISTRATION THE SCHOOL  
30 SURVEY RESULTS.

1 C. THE ADMINISTRATION SHALL COMPILE A REPORT BASED ON THE SURVEYS  
2 RECEIVED FROM PARTICIPATING SCHOOL DISTRICTS AND CHARTER SCHOOLS AS WELL AS  
3 UTILIZATION DATA FOR BEHAVIORAL HEALTH SERVICES RECEIVED PURSUANT TO THE  
4 CHILDREN'S BEHAVIORAL HEALTH SERVICES FUND ESTABLISHED BY SECTION 36-3436.  
5 ON OR BEFORE DECEMBER 31 EACH YEAR, THE ADMINISTRATION SHALL PROVIDE THE  
6 REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
7 HOUSE OF REPRESENTATIVES AND PROVIDE A COPY OF THE REPORT TO THE SECRETARY  
8 OF STATE. THE REPORT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING  
9 INFORMATION:

- 10 1. THE NUMBER OF STUDENTS SERVED.
- 11 2. THE TYPES OF BEHAVIORAL HEALTH SERVICES PROVIDED.
- 12 3. THE COSTS OF THE BEHAVIOR HEALTH SERVICES PROVIDED."

13 Page 11, strike lines 21 through 44

14 Page 12, strike lines 1 through 25, insert:

15 "Sec. 7. Arizona health care cost containment system;  
16 behavioral health survey of schools; report;  
17 delayed repeal

18 A. The Arizona health care cost containment system shall conduct a  
19 survey of public schools to obtain information regarding the referral of  
20 behavioral health services to students by contracted licensed behavioral  
21 health providers. The survey shall include all of the following:

- 22 1. The types of behavioral health providers providing the services.
- 23 2. The types of settings where behavioral health services were  
24 delivered to students.
- 25 3. The number of students who received services.

26 4. The most common diagnoses that resulted in the need for services.

27 B. On or before December 31, 2022, the Arizona health care cost  
28 containment system shall provide a copy of the result of the survey to the  
29 governor, the president of the senate and the speaker of the house of  
30 representatives and provide a copy of the report to the secretary of state.

31 C. This section is repealed from and after June 30, 2023."

32 Line 28, strike "January" insert "April"; strike "2022" insert "2021"

Senate Amendments to S.B. 1523

- 1 Page 12, line 35, strike "Notwithstanding subsection A of this section,"
- 2 Line 37, after "with" insert "subsection A of this section and"
- 3 Line 38, strike "acceptable to the department" insert "that are at least as
- 4 comprehensive as the forms or worksheets required by subsection A,
- 5 paragraph 1 of this section"
- 6 Page 13, line 7, after "to" insert "admitting and"
- 7 Line 12, after "caregivers" insert "on a continuum during the stay, including
- 8 at admission and"
- 9 Lines 19 and 20, strike "review and appeals processes, including referring
- 10 patients and caregivers to the information on"
- 11 Strike lines 32 through 43
- 12 Renumber to conform
- 13 Page 14, line 3, strike "\$200,000" insert "\$250,000"
- 14 Line 19, after "appropriations" insert "until June 30, 2022"
- 15 Amend title to conform

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