

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1523 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Melissa

Provenzano
Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED SUBCOMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1523

By: Provenzano

7
8 PROPOSED SUBCOMMITTEE SUBSTITUTE

9 An Act relating to student mental health; mandating
10 the State Department of Education to create a school-
11 based telehealth program; requiring the Department to
12 contract with a telehealth provider; requiring a
13 request for proposal; establishing request for
14 proposal and contract timelines; providing
15 definitions; specifying proposal requirements;
16 prescribing contract requirements; mandating the
17 State Department of Education to select eligible
18 schools; requiring school participation to represent
19 certain state populations; providing a rubric for the
20 selection of schools; stating school district
21 participation requirements and limitations; providing
22 fund limitations; requiring the Department and
23 participating school districts to evaluate the
24 program; requiring reporting to the Legislature;
mandating school districts to report compliance with
certain provisions; requiring the Department to seek
funding; allowing contributions from charitable and
non-state sources; requiring Department matching of
certain contributions; limiting expenditures;
providing for codification; providing an effective
date; and declaring an emergency.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 24-162 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

5 A. 1. The State Department of Education shall establish a
6 school-based telehealth program. The State Department of Education
7 (Department) shall contract with a single telehealth provider to
8 provide mental health care to students enrolled in participating
9 school districts. The Department shall issue a Request for Proposal
10 to select the telehealth provider.

11 2. The Department shall initiate the Request for Proposal
12 within ninety (90) days of the passage and approval of this act.
13 The Department shall select a telehealth provider from the proposals
14 within sixty (60) days of the publication of the Request for
15 Proposal. The awarded telehealth provider contract shall begin
16 within sixty (60) days of the provider selection.

17 B. For purposes of this section:

18 1. "Health carrier" means an entity subject to the insurance
19 laws and regulations of this state, or subject to the jurisdiction
20 of the Insurance Commissioner, that contracts or offers to contract
21 to provide, deliver, arrange for, pay for, or reimburse any of the
22 costs of health care services including through a health benefit
23 plan as defined in this section, and shall include a sickness and
24 accident insurance company, a health maintenance organization, a

1 preferred provider organization or any similar entity, or any other
2 entity providing a plan of health insurance or health benefits;

3 2. "Mental health care provider" means any person or other
4 entity who is licensed pursuant to the provisions of Title 59 or
5 Title 63 of the Oklahoma Statutes, or pursuant to the laws of
6 another state, to render mental health care services in the practice
7 of a profession or in the ordinary course of business;

8 3. "Oklahoma health care programs" means state-purchased health
9 care or state-subsidized health care purchased with or supported by
10 state and federal funds through the Oklahoma Health Care Authority,
11 the Department of Mental Health and Substance Abuse Services, the
12 State Department of Health, the Department of Human Services, the
13 Department of Corrections, the Department of Veterans Affairs, other
14 state agencies administering state-purchased or state-subsidized
15 health care programs, the Oklahoma State Regents for Higher
16 Education, the State Board of Education, and local school districts;

17 4. "School district" or "district" has the same meaning as
18 provided for in Section 1-108 of Title 70 of the Oklahoma Statutes;

19 5. "Telehealth" means technology-enabled mental health and care
20 management and delivery systems that extend capacity and access,
21 which includes:

22 a. synchronous mechanisms, which may include live
23 audiovisual interaction between a patient and a mental
24 health care professional,

1 b. asynchronous mechanisms, which include store and
2 forward transfers, online exchange of mental health
3 information between a patient and a mental health care
4 professional, but shall not include the use of
5 automated text messages or automated mobile
6 applications that serve as the sole interaction
7 between a patient and a mental health care
8 professional,

9 c. remote patient monitoring, and

10 d. other electronic means that support clinical mental
11 health care, professional consultation, mental health-
12 related education, and mental health care
13 administration; and

14 6. "Telehealth provider" means a person that makes available a
15 technological platform for the provision of mental health care
16 services through telehealth and employs the mental health care
17 providers who utilize the platform.

18 C. The Department shall consider responses to the request for
19 proposals only from applicants that:

20 1. Have experience providing mental health care through
21 telehealth in educational settings, and at the time of application
22 are providing access to mental health care through telehealth to at
23 least one school district with a student population of one hundred
24 thousand (100,000) or more students;

1 2. Have experience in providing culturally competent pediatric
2 mental health care;

3 3. Demonstrate the ability to provide high-quality mental
4 health services and care coordination through telehealth;

5 4. Demonstrate the ability to employ an adequate number of
6 Oklahoma-licensed mental health care providers to meet the market
7 demand for services under the program;

8 5. Have a technology platform for the provision and
9 coordination of mental health care services that will be made
10 available to participating school districts;

11 6. Can bill health carriers and the State Department of
12 Education for provided services, including services provided to
13 individuals enrolled in Oklahoma health care programs; and

14 7. Agree to provide mental health care services delivered
15 through telehealth free of charge to students who are uninsured, and
16 to waive or reimburse students for all cost-sharing incurred for
17 mental health care services received through the program.

18 D. The Department shall ensure that the contact between the
19 Department and the selected telehealth provider requires the
20 telehealth provider to:

21 1. Provide mental health care services delivered through
22 telehealth free of charge to students who are uninsured;

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1 2. Treat as if uninsured any minor who gives effective consent
2 to mental health treatment and who would otherwise be subject to
3 Section 2603 of Title 63 of the Oklahoma Statutes;

4 3. Waive or reimburse students or their families for all cost-
5 sharing incurred for mental health care services received through
6 the program;

7 4. Provide the equipment, the telehealth platform, and access
8 to the mental health care providers employed by the telehealth
9 provider at no cost to the school district; and

10 5. Allow any school district to elect to participate in the
11 program by entering into a contract with the telehealth provider.

12 E. 1. School districts eligible to participate in the pilot
13 program shall be selected by the Department, and shall be
14 representative of the student population across the state. The
15 Department shall prioritize eligibility by selecting at least one
16 school from each of Oklahoma's congressional districts.

17 2. Using the most recently available data, school districts
18 shall be selected so that the totality of students served by the
19 program are reflective of the racial and economic populations of the
20 state, including:

- 21 a. the percentage of students eligible for free/reduced
22 lunch,
- 23 b. the percentage of students eligible for special
24 education,

- 1 c. the percentage of students identified as English
2 learners, and
3 d. the percentage of students identified by ethnic group,
4 within five percent (5%) so long as any deviation does
5 not eliminate the potential participation by any group
6 of students.

7 3. The following rubric shall be used to score applicant
8 districts:

9 a. economically disadvantaged:

- 10 (1) less than 40% = 0 points,
11 (2) 40% to 55% = 1 point,
12 (3) 55.1% to 63% = 3 points,
13 (4) 63.1% to 72% = 4 points,
14 (5) 72.1% to 84% = 5 points, and
15 (6) greater than 84.1% = 6 points,

16 b. English learners:

- 17 (1) less than 1% = 0 points,
18 (2) 1% to 3% = 1 point,
19 (3) 3.1% to 6% = 2 points,
20 (4) 6.1% to 12.0% = 3 points,
21 (5) 12.1% to 20% = 4 points, and
22 (6) greater than 20.1% = 5 points,

23 c. special education:

- 24 (1) less than 11.0% = 0 points,

- 1 (2) 11.1% to 14.0% = 1 point,
- 2 (3) 14.1% to 17.0% = 2 points,
- 3 (4) 17.1% to 20.0% = 3 points,
- 4 (5) 20.1% to 25.0% = 4 points, and
- 5 (6) greater than 25.1% = 5 points, and

6 d. student population size:

- 7 (1) greater than 7,500 = 0 points,
- 8 (2) 5,000 to 7,499 = 1 point,
- 9 (3) 3,001 to 5,000 = 2 points,
- 10 (4) 1,500 to 3,000 = 3 points,
- 11 (5) 501 to 1,499 = 4 points, and
- 12 (6) less than 500 = 5 points.

13 F. 1. School districts electing to participate in the pilot
14 program shall:

- 15 a. be party to a valid contract with the selected
16 telehealth provider,
- 17 b. provide mental health care services through the
18 program at no cost to all students enrolled in the
19 district, and
- 20 c. cooperate with the Department and telehealth provider
21 to fulfill any reporting requirements under this
22 section.

23 2. School districts participating in the pilot program shall
24 not use the mental health care services made available under this

1 section to supplant the daily student support provided in the school
2 by educational student service providers, including, but not limited
3 to, licensed school nurses, educational psychologists, school social
4 workers, and school counselors.

5 G. Funds acquired or appropriated for the school-based
6 telehealth program as described in this section shall only be used
7 for the following purposes:

8 1. To pay the telehealth provider an annual capitation rate of
9 up to Twenty-two Dollars (\$22.00) per student enrolled in a
10 participating school district;

11 2. To reimburse the telehealth provider for the one-time fixed
12 costs for establishing the school-based telehealth pilot program in
13 a school district; and

14 3. To evaluate the pilot program.

15 H. 1. The Department, in cooperation with participating school
16 districts, shall evaluate the extent to which the pilot program
17 increases student access to mental health care services. By January
18 15, 2027, and every two (2) years thereafter, the Department shall
19 report the results of the evaluation to the legislative committees
20 with jurisdiction over education finance and policy and health
21 finance and policy.

22 2. School districts shall provide the Department with
23 information the Department deems necessary to monitor the districts'
24 compliance with paragraph 2 of subsection F of this section. The

1 Department shall include in the Department's report to the
2 Legislature the Department's conclusions regarding any evidence that
3 participating school districts are violating paragraph 2 of
4 subsection E of this section.

5 I. The Department shall seek funding from sources as may be
6 available and authorized in order to implement the provisions of
7 this section, including from charitable sources and non-state
8 entities. The Department shall match all funds acquired from
9 charitable sources and non-state entities. The Department shall not
10 expend an amount in excess of the matching funds and total funds
11 acquired by the Department pursuant to the provisions of this
12 subsection.

13 SECTION 2. This act shall become effective July 1, 2025.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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