

REFERENCE TITLE: school-based health centers; requirements

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2448**

Introduced by  
Representative Montenegro

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-249.19; APPROPRIATING MONIES; RELATING TO THE DEPARTMENT  
OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised  
3 Statutes, is amended by adding section 15-249.19, to read:

4 15-249.19. School-based health centers; parental consent;  
5 allowable health care services; medical records;  
6 grant program; annual report; fund; definition

7 A. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY CONTRACT WITH A HEALTH  
8 CARE PROVIDER, HEALTH SYSTEM OR COMMUNITY PARTNER TO ESTABLISH A  
9 SCHOOL-BASED HEALTH CENTER IN OR NEAR A SCHOOL FACILITY FOR THE PURPOSE OF  
10 PROVIDING SERVICES BEYOND THE SCOPE OF SCHOOL NURSING SERVICES, SUBJECT TO  
11 THE FOLLOWING REQUIREMENTS:

12 1. THE SCHOOL-BASED HEALTH CENTER IS A SEPARATE LEGAL ENTITY FROM  
13 THE PUBLIC SCHOOL AND IS ADMINISTERED BY A HEALTH CARE PROVIDER, HEALTH  
14 SYSTEM OR COMMUNITY PARTNER.

15 2. STUDENT PARTICIPATION IN SERVICES PROVIDED BY A SCHOOL-BASED  
16 HEALTH CENTER IS VOLUNTARY. A SCHOOL-BASED HEALTH CENTER, SCHOOL DISTRICT  
17 OR CHARTER SCHOOL MAY NOT OFFER AN INCENTIVE TO A STUDENT OR PARENT OF A  
18 STUDENT IN EXCHANGE FOR THE STUDENT'S PARTICIPATION IN SERVICES PROVIDED  
19 BY THE SCHOOL-BASED HEALTH CENTER.

20 3. A SCHOOL-BASED HEALTH CENTER PROVIDES COMPREHENSIVE PRIMARY  
21 HEALTH CARE SERVICES DURING SCHOOL HOURS TO STUDENTS IN ACCORDANCE WITH  
22 ESTABLISHED STANDARDS, COMMUNITY PRACTICE, LEGAL REPORTING REQUIREMENTS  
23 AND OTHER LAWS OF THIS STATE, INCLUDING PARENTAL CONSENT AND NOTIFICATION  
24 REQUIREMENTS THAT ARE CONSISTENT WITH FEDERAL LAWS.

25 4. ALL SERVICES THAT ARE PROVIDED AT A SCHOOL-BASED HEALTH CENTER  
26 ARE PROVIDED BY A LICENSED HEALTH CARE PROFESSIONAL IN ACCORDANCE WITH  
27 APPLICABLE LAWS.

28 5. EACH HEALTH CARE PROFESSIONAL IN A SCHOOL-BASED HEALTH CENTER  
29 MAINTAINS MEDICAL RECORDS IN ACCORDANCE WITH THE HEALTH INSURANCE  
30 PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191; 110 STAT. 1936)  
31 AND ANY FEDERAL REGULATIONS ADOPTED TO IMPLEMENT THE HEALTH INSURANCE  
32 PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

33 6. THE SCHOOL-BASED HEALTH CENTER ACCEPTS PAYMENT FOR SERVICES  
34 THROUGH MEDICAL BILLING, PRIVATE PAY AND FINANCIAL ASSISTANCE.

35 7. THE SCHOOL-BASED HEALTH CENTER PROVIDES HEALTH CARE SERVICES TO  
36 PATIENTS REGARDLESS OF ABILITY TO PAY.

37 8. ALL EMPLOYEES OF THE SCHOOL-BASED HEALTH CENTER ARE SUBJECT TO  
38 THE SAME FINGERPRINT CHECK OR FINGERPRINT CLEARANCE CARD REQUIREMENTS THAT  
39 THE SCHOOL DISTRICT OR CHARTER SCHOOL APPLIES TO NONCERTIFICATED PERSONNEL  
40 IN THE SCHOOL DISTRICT OR CHARTER SCHOOL PURSUANT TO SECTIONS 15-183 AND  
41 15-512.

42 9. EXCEPT AS REQUIRED BY LAW, A SCHOOL DISTRICT, CHARTER SCHOOL OR  
43 CORPORATION MAY NOT ACCESS A STUDENT'S MEDICAL RECORDS.

44 10. A SCHOOL-BASED HEALTH CENTER MAY NOT PERFORM ABORTION SERVICES.

- 1           B. A HEALTH CARE PROFESSIONAL IN A SCHOOL-BASED HEALTH CENTER MAY  
2 PROVIDE SCHOOL NURSING SERVICES, INCLUDING:
- 3           1. HEARING EVALUATION SERVICES PURSUANT TO TITLE 36, CHAPTER 7.2,  
4 ARTICLE 1.
  - 5           2. VISION SCREENING SERVICES PURSUANT TO TITLE 36, CHAPTER 7.2,  
6 ARTICLE 2.
  - 7           3. BASIC FIRST AID.
  - 8           4. CONTACTING A STUDENT'S PARENTS IF THE STUDENT IS ILL OR INJURED.
  - 9           5. COORDINATING EMERGENCY SERVICES FOR A STUDENT AS NEEDED.
  - 10          6. DISPENSING OVER-THE-COUNTER MEDICATIONS. FOR THE PURPOSES OF  
11 THIS PARAGRAPH, THE HEALTH CARE PROFESSIONAL SHALL OBTAIN CONSENT FROM A  
12 STUDENT'S PARENT BEFORE DISPENSING MEDICATION TO THE STUDENT.
  - 13          7. DISPENSING PRESCRIPTION MEDICATION ACCORDING TO THE PRESCRIBING  
14 HEALTH CARE PROFESSIONAL'S INSTRUCTIONS AND, IF DISPENSING PRESCRIPTION  
15 MEDICATION TO A STUDENT, WITH PRIOR CONSENT OF THE STUDENT'S PARENT AS  
16 PROVIDED IN SECTION 15-344.
- 17           C. IF HEALTH CARE SERVICES ARE PROVIDED TO A PATIENT IN A  
18 SCHOOL-BASED HEALTH CENTER THROUGH TELEHEALTH, THE TREATING HEALTH CARE  
19 PROFESSIONAL MUST OBTAIN VERBAL OR WRITTEN INFORMED CONSENT FROM THE  
20 PATIENT OR THE PATIENT'S HEALTH CARE DECISION MAKER BEFORE PROVIDING THE  
21 HEALTH CARE SERVICES AND MUST DOCUMENT THE INFORMED CONSENT IN THE  
22 PATIENT'S MEDICAL RECORDS.
- 23           D. NOTWITHSTANDING ANY OTHER LAW, A SCHOOL-BASED HEALTH CENTER,  
24 INCLUDING ANY HEALTH CARE PROFESSIONAL IN A SCHOOL-BASED HEALTH CENTER,  
25 MAY NOT PROVIDE OR ARRANGE ANY OF THE FOLLOWING SERVICES FOR A STUDENT  
26 WITHOUT FIRST OBTAINING WRITTEN OR VERBAL CONSENT FROM THE STUDENT'S  
27 PARENT AND, IF CONSENT IS OBTAINED THROUGH A TELEHEALTH VISIT, VERIFYING  
28 THE PARENT'S IDENTITY:
- 29           1. MENTAL HEALTH SCREENING OR MENTAL HEALTH TREATMENT. THIS  
30 PARAGRAPH DOES NOT APPLY IF AN EMERGENCY EXISTS THAT REQUIRES A HEALTH  
31 CARE PROFESSIONAL TO PERFORM MENTAL HEALTH SCREENING OR PROVIDE MENTAL  
32 HEALTH TREATMENT TO PREVENT SERIOUS INJURY TO OR SAVE THE LIFE OF THE  
33 STUDENT OR ANOTHER PERSON.
  - 34           2. INITIATING OR CONDUCTING A TELEHEALTH APPOINTMENT WITH A HEALTH  
35 CARE PROFESSIONAL.
  - 36           3. DIAGNOSING OR TREATING A SEXUALLY TRANSMITTED INFECTION.
  - 37           4. PROVIDING SUBSTANCE USE COUNSELING OR TREATMENT.
  - 38           5. PROVIDING PREGNANCY TESTING.
  - 39           6. PROVIDING PRENATAL CARE.
  - 40           7. PROVIDING CONTRACEPTIVES, INCLUDING EMERGENCY CONTRACEPTION.
  - 41           8. ADMINISTERING VACCINES, INCLUDING IMMUNIZATION AGAINST THE HUMAN  
42 PAPILOMAVIRUS.
- 43           E. IF THE PATIENT IN A SCHOOL-BASED HEALTH CENTER IS A STUDENT, THE  
44 FOLLOWING REQUIREMENTS APPLY:

1           1. THE STUDENT'S PARENT OR AN ADULT APPROVED BY THE STUDENT'S  
2 PARENT MUST BE PRESENT, PHYSICALLY OR VIRTUALLY, WHEN THE STUDENT RECEIVES  
3 HEALTH CARE SERVICES. A STUDENT'S PARENT MAY WAIVE THE REQUIREMENT  
4 PRESCRIBED IN THIS PARAGRAPH.

5           2. IF HEALTH CARE SERVICES ARE PROVIDED TO A STUDENT THROUGH  
6 TELEHEALTH, THE HEALTH CARE PROVIDER SHALL DO BOTH OF THE FOLLOWING:

7           (a) OBTAIN WRITTEN INFORMED CONSENT FROM THE STUDENT'S PARENT  
8 BEFORE PROVIDING THE HEALTH CARE SERVICES. FOR THE PURPOSES OF THIS  
9 SUBDIVISION, WRITTEN INFORMED CONSENT MAY BE PROVIDED ELECTRONICALLY.

10          (b) ENTER A FULL SUMMARY OF THE APPOINTMENT INTO THE STUDENT'S  
11 MEDICAL RECORDS AND PROVIDE A COPY OF THE SUMMARY TO THE STUDENT'S PARENT.

12           3. THE SCHOOL-BASED HEALTH CENTER SHALL PROVIDE THE STUDENT'S  
13 PARENT WITH ACCESS TO ALL OF THE STUDENT'S WRITTEN RECORDS, ELECTRONIC  
14 RECORDS AND ELECTRONIC ACCOUNTS THAT ARE MAINTAINED BY THE SCHOOL-BASED  
15 HEALTH CENTER, INCLUDING:

16          (a) COUNSELING RECORDS.  
17          (b) PSYCHOLOGICAL RECORDS.  
18          (c) MEDICATION RECORDS, INCLUDING ANY OVER-THE-COUNTER MEDICATIONS  
19 THAT ARE ADMINISTERED TO THE STUDENT.  
20          (d) CLINIC NOTES.  
21          (e) HEALTH AND IMMUNIZATION INFORMATION, INCLUDING MEDICAL RECORDS  
22 THAT ARE MAINTAINED BY A HEALTH CLINIC OR MEDICAL FACILITY THAT IS  
23 OPERATED OR CONTROLLED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL OR THAT IS  
24 LOCATED ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S PROPERTY.

25           F. A SCHOOL DISTRICT OR CHARTER SCHOOL THAT HAS ESTABLISHED OR IS  
26 SEEKING TO ESTABLISH A SCHOOL-BASED HEALTH CENTER PURSUANT TO SUBSECTION A  
27 OF THIS SECTION MAY NOT ENTER ANY CONTRACT OR AGREEMENT, INCLUDING AN  
28 AGREEMENT IN CONNECTION WITH A GRANT PROGRAM, THAT REQUIRES THE SCHOOL  
29 DISTRICT OR CHARTER SCHOOL TO VIOLATE THIS SECTION.

30           G. A STUDENT'S PARENT MAY BRING AN ACTION AGAINST A SCHOOL-BASED  
31 HEALTH CENTER IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE SCHOOL  
32 DISTRICT OR CHARTER SCHOOL IS LOCATED FOR FAILURE TO COMPLY WITH ANY  
33 REQUIREMENT PRESCRIBED IN SUBSECTION D OR E OF THIS SECTION. THIS  
34 SUBSECTION DOES NOT PRECLUDE ANY OTHER REMEDIES AVAILABLE TO A STUDENT'S  
35 PARENT AT LAW OR IN EQUITY.

36           H. THE SCHOOL-BASED HEALTH CENTER GRANT PROGRAM IS ESTABLISHED  
37 WITHIN THE DEPARTMENT OF EDUCATION. THE DEPARTMENT MAY ADOPT RULES OR  
38 POLICIES TO IMPLEMENT THIS PROGRAM, INCLUDING GRANT APPLICATION  
39 REQUIREMENTS. THE DEPARTMENT MAY AWARD A GRANT TO A SCHOOL DISTRICT OR  
40 CHARTER SCHOOL IN THIS STATE FOR THE PURPOSE OF ESTABLISHING A  
41 SCHOOL-BASED HEALTH CENTER PURSUANT TO SUBSECTION A OF THIS SECTION. A  
42 SCHOOL DISTRICT OR CHARTER SCHOOL THAT RECEIVES A GRANT PURSUANT TO THIS  
43 SUBSECTION MUST ANNUALLY REPORT TO THE DEPARTMENT ALL OF THE FOLLOWING  
44 INFORMATION:

1           1. FOR STUDENTS WHO RECEIVED HEALTH CARE SERVICES IN THE  
2 SCHOOL-BASED HEALTH CENTER DURING THE PREVIOUS YEAR:  
3           (a) THE NUMBER OF STUDENTS WHO RECEIVED TELEHEALTH SERVICES.  
4           (b) THE AVERAGE TIME THAT EACH STUDENT SPENT IN THE HEALTH OFFICE.  
5           (c) THE AVERAGE WAIT TIME FOR EACH STUDENT.  
6           (d) THE AVERAGE NUMBER OF SCHOOL ABSENCES AFTER A STUDENT RECEIVED  
7 HEALTH CARE SERVICES.  
8           (e) THE PERCENTAGE OF STUDENTS WHO RETURNED TO CLASS ON THE SAME  
9 DAY THAT THE STUDENT RECEIVED HEALTH CARE SERVICES.  
10          (f) THE PERCENTAGE OF APPOINTMENTS IN WHICH A STUDENT'S PARENT WAS  
11 PRESENT.  
12          (g) THE PERCENTAGE OF APPOINTMENTS IN WHICH A STUDENT'S PARENT WAS  
13 NOT PRESENT.  
14          2. SURVEY RESULTS REGARDING PARENTS' SATISFACTION WITH THE  
15 SCHOOL-BASED HEALTH CENTER AND THE HEALTH CARE SERVICES PROVIDED.  
16          3. SURVEY RESULTS REGARDING SCHOOLTEACHERS', EMPLOYEES' AND  
17 ADMINISTRATORS' SATISFACTION WITH THE SCHOOL-BASED HEALTH CENTER AND THE  
18 HEALTH CARE SERVICES PROVIDED.  
19          I. THE SCHOOL-BASED HEALTH CENTER GRANT PROGRAM FUND IS ESTABLISHED  
20 CONSISTING OF LEGISLATIVE APPROPRIATIONS AND GRANTS, GIFTS, DEVISES AND  
21 DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCE. THE DEPARTMENT OF EDUCATION  
22 SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY  
23 APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING  
24 TO LAPSING OF APPROPRIATIONS.  
25          J. FOR THE PURPOSES OF THIS SECTION, "PARENT" MEANS A PARENT,  
26 GUARDIAN OR LEGAL CUSTODIAN OF A STUDENT WHO IS NOT AN EMANCIPATED MINOR.  
27          Sec. 2. Appropriation; department of education; student-based  
28 health centers  
29          The sum of \$3,000,000 is appropriated from the state general fund in  
30 fiscal year 2024-2025 to the school-based health center grant program fund  
31 established by section 15-249.19, Arizona Revised Statutes, as added by  
32 this act.  
33          Sec. 3. Intent  
34          The legislature intends to reduce the amount of time that students  
35 spend out of the classroom because of injury or illness by providing  
36 infrastructure for integrated health care services to be provided at  
37 school district and charter school campuses through school-based health  
38 centers. The establishment of school-based health centers allows school  
39 personnel to focus on administrative duties, school curricula and  
40 instructional time.