

REQUIRE SCHOOLS TO ADOPT A POLICY ON MEDICALLY NECESSARY TREATMENTS

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House Bill 5044 as introduced
Sponsor: Rep. Pauline Wendzel
Committee: Education and Workforce
Complete to 10-22-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6219 would amend the Revised School Code to require the board of a school district, intermediate school district (ISD), or public school academy (PSA) to develop and adopt a policy that allows a student enrolled at a school under their respective jurisdiction to receive *medically necessary treatment* in a school setting if that student has a prescription, recommendation, or an order from a *private health care specialist*. This policy would have to be developed and adopted by July 1, 2026, and then be made publicly available on the website of the school district, ISD, or PSA, as well as made available to any parent or legal guardian of an enrolled student.

The bill would define *medically necessary treatment* as:

- Treatment (including a medical device or technology).
- A person-implemented treatment (including applied behavior analysis).
- Other therapeutic interventions.

These must be both:

- Prescribed, recommended, or ordered by a private health care specialist acting within the scope of their license, registration, or other state authority.
- Delivered in a manner that falls under the scope of practice, licensure, and service delivery model for the treatment identified by the private health care specialist for the purpose of diagnosing, evaluating, treating, ameliorating, or remediating a diagnosed medical condition, disorder, disease, illness, or symptomology, including any mental health condition or disorder recognized under state law or included in the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders in effect at the time of diagnosis, including autism spectrum disorder.

The bill would define *private health care specialist* as an individual licensed, registered, or otherwise authorized to practice a health profession under Article 15 (Occupations) of the Public Health Code and acting within the scope of their license, registration, or authorization. This would include a behavior technician as defined in section 18251 of the Public Health Code.¹

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-333-18251>

The following would have to be a part of the district's or PSA's policy:

- A requirement that the parent or legal guardian of each student enrolled in the district or PSA receive a notice stating that the *specified federal statutes*² provide rights and protections to students to access medically necessary treatment required for them to have meaningful access to the benefits of a public education or to attend school without risks to their health or safety due to their disabling medical condition.
- The process through which a private health care specialist may do any of the following as required under the specified federal statutes:
 - Observe the student in the school setting.
 - Collaborate with instructional personnel and other school personnel as necessary to ensure that the student receives medically necessary treatment in the school setting.
 - Provide medically necessary treatment in the school setting.
- A requirement that the parent or legal guardian of each student enrolled in the school district, ISD, or PSA receive a notice informing them of any right under state or federal law to appeal the decision of the board or board of directors concerning access to medically necessary treatment in the school setting.
- A requirement that, when a student or the student's parent or legal guardian requests that the student receive access to medically necessary treatment in a school setting, school personnel designated by the principal or other chief administrator of the school must meet with the student, the student's parent or legal guardian, and any representatives or health care personnel designated by the student or the student's parent or legal guardian no later than 30 days after submission of the request to determine how and when the requested medically necessary treatment will be accommodated. The student's school would have to allow the requested medically necessary treatment to be provided unless it would impose a fundamental alteration or an undue burden on the school under the specified federal statutes.

Finally, the bill would require school districts, ISDs, and PSAs to compile and provide to the Michigan Department of Education (MDE) the total number of requests for medically necessary treatment in a school setting under the required policy, whether each request was approved or denied, and the rationale for any denials. This information would have to be reported by July 1 annually.

By January 1 annually, MDE would have to publish the data regarding requests and denials on its website and report the information to the House and Senate standing committees on education.

The school reporting and MDE publishing requirements described above would both be subject to the Family Educational Rights and Privacy Act of 1974 and the Health Insurance Portability and Accountability Act of 1996.

Proposed MCL 380.1178b

² *Specified federal statutes* is defined to mean the Americans with Disabilities Act of 1990 and section 504 of Title V of the Rehabilitation Act of 1973.

FISCAL IMPACT:

The bill could create costs for the state and for local school districts, ISDs, or PSAs.

MDE may incur an administrative cost to annually report on the number of requests that districts, ISDs, and PSAs have received for a student to access medically necessary treatment in a school setting. This cost would likely be absorbed using existing staff time.

Districts, ISDs, and PSAs could incur costs to update their school policies on student medical treatment to meet the bill's requirements, including the requirement that each parent must receive a notice detailing students' rights regarding accessing medically necessary treatment in a school setting. The bill also requires districts, ISDs, and PSAs to report annually to MDE on the total number of requests for medically necessary treatment under the school policy and the outcome of each request. These costs are indeterminate and would vary based on the district's, ISD's, or PSA's existing school policy, the cost to provide a notice to all parents, and how many requests for medical treatment are received.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.