

House Bill 554

By: Representatives Townsend of the 179<sup>th</sup>, Jones of the 25<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Ballard of the 147<sup>th</sup>, Glaize of the 67<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to health of students, so as to enact the "APEX Now Program"; to  
3 provide support for mental health services to students and school personnel experiencing  
4 incidents of violence, threats of violence, natural disasters, and other crisis situations; to  
5 provide for such program to be established within the Department of Behavioral Health and  
6 Developmental Disabilities; to provide for the development and promulgation of a mental  
7 health crisis plan; to provide for a 24 hour online and telephonic hotline; to provide for  
8 prospective parental consent; to provide for contracting for services; to provide for liability;  
9 to provide for funding; to provide for rules and regulations; to provide for definitions; to  
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
14 relating to health of students, is amended by adding a new Code section read as follows:

15 "20-2-779.5.

16 (a) This Code section shall be known and may be cited as the 'APEX Now Program.'

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17 (b) As used in this Code section, the term:

18 (1) 'Department' means the Department of Behavioral Health and Developmental  
19 Disabilities.

20 (2) 'Local education agency' shall have the same meaning as set forth in Code Section  
21 20-2-167.1.

22 (3) 'Parent' means a biological parent, legal guardian, custodian, or other person with  
23 legal authority to act on behalf of a child.

24 (4) 'Program' means the APEX Now Program provided for in this Code section.

25 (5) 'School personnel' means one or more individuals employed by a local education  
26 agency.

27 (c) There is established within the department the APEX Now Program, which shall  
28 provide support for mental health services to students and school personnel experiencing  
29 incidents of violence, threats of violence, natural disasters, and other crisis situations and  
30 for other purposes provided for in this Code section.

31 (d)(1) The department and the Department of Education shall jointly develop a mental  
32 health crisis plan to rapidly provide mental health services to students experiencing  
33 incidents of violence, threats of violence, natural disasters, or other crisis situations. Such  
34 mental health crisis plan shall include provisions for:

35 (A) The designation of a team of individuals to serve as lead coordinators for the  
36 deployment of mental health services in a crisis situation, and one individual to serve  
37 as the primary leader of such team;

38 (B) Recommendations to make available sufficient mental health workers licensed in  
39 this state to meet crisis needs for students, and a plan to deploy such mental health  
40 workers when and where needed in a crisis situation; and

41 (C) Training that selected school personnel should receive to serve as mental health  
42 first responders in the event of a crisis.

43 (2) The department and the Department of Education shall be authorized to engage with  
44 the Southern Regional Education Board to facilitate and support the development of the  
45 mental health crisis plan.

46 (3) By January 1, 2026, the mental health crisis plan shall be made available to all local  
47 education agencies in this state and the chairpersons of the House Committee on  
48 Education and the Senate Education and Youth Committee.

49 (e)(1) The department shall establish an online and telephonic hotline that shall be  
50 available at all times:

51 (A) To any school personnel in this state to refer a student for mental health evaluation  
52 and treatment services; and

53 (B) To any students and school personnel in this state to report any risk of suicide or  
54 threats of violence or actual violence for referral to the appropriate educational and law  
55 enforcement authorities.

56 (2) The role of the hotline shall be limited to coordinating the provision of mental health  
57 evaluation and treatment services and for making referrals to appropriate educational and  
58 law enforcement authorities. The hotline shall not provide mental health evaluation or  
59 treatment services.

60 (3)(A) Reports to the hotline by students shall be accepted anonymously, and the  
61 department shall not record any personally identifiable information from students.

62 (B) The department shall be authorized to record personally identifiable information  
63 from school personnel for the exclusive purpose of facilitating appropriate follow-up  
64 efforts.

65 (4) The department is authorized to develop promotional materials, training programs,  
66 and curricula to be used in training students and school personnel to recognize and report  
67 severe mental illness and to provide such materials, programs, and curricula to local  
68 education agencies.

69 (f)(1) Students referred for mental health evaluation or treatment services under this  
70 Code section shall be provided the opportunity to consult with an authorized mental  
71 health professional within 24 hours of any such referral designated as urgent or within  
72 five business days for any such referral designated as nonurgent.

73 (2) Local education agencies shall be authorized to designate a preferred provider to  
74 consult with students referred for mental health evaluation or treatment services under  
75 this Code section, and such referrals shall be made first to such preferred provider, who  
76 may provide services to the student in person or via telehealth. If the preferred provider  
77 is unable to consult with the student within the time provided by this subsection, the  
78 department shall refer the student to a provider selected pursuant to this Code section who  
79 is able to do so.

80 (3) Each local education agency shall designate a contact person to serve as the primary  
81 point of contact for the department in conjunction with the program. Within 24 hours of  
82 any referral made as part of the program, the department shall notify the designated  
83 contact person for the local education agency of such referral.

84 (g)(1) The Department of Education, in coordination with the department, shall develop  
85 and make available an electronic opt-in system for parents of minor children to provide  
86 prospective consent pursuant to the laws of this state for mental health evaluation and  
87 treatment services provided under the program.

88 (2) At the beginning of the 2025-2026 school year and each school year thereafter, each  
89 local education agency shall notify parents of the availability of such prospective consent  
90 and take reasonable efforts to encourage them to complete it electronically.

91 (h) The Department of Administrative Services shall, in coordination with the department,  
92 select three or more mental health telehealth providers under state-wide convenience  
93 contracts to provide services pursuant to this Code section. Providers under state-wide  
94 contracts established under this subsection shall also be available to be utilized by local  
95 education agencies to provide mental health services to students and school personnel. All

96 mental health services provided pursuant to such contracts shall be provided by healthcare  
97 professionals licensed to provide such services under the laws of this state. The factors  
98 used to select such mental health services providers shall include, but shall not be limited  
99 to:

100 (1) A demonstrated ability to maximize payment for services from commercial insurers  
101 and other third parties;

102 (2) Sufficient staffing to provide services on a state-wide basis as needed using  
103 physicians, nurses, licensed professional counselors, or licensed social workers with  
104 specific training in providing mental health services;

105 (3) The ability to provide services in a language fluently spoken by the student or school  
106 personnel receiving such services;

107 (4) A demonstrated record of providing mental health telehealth services in elementary  
108 and secondary school settings;

109 (5) Ability to use information technology to track services provided and outcomes for  
110 program evaluation purposes;

111 (6) A financial model that allows the provider to serve all students, regardless of whether  
112 they make a copayment or have third-party insurance coverage; and

113 (7) The flexibility to work both in an augmentation role providing additional capacity to  
114 local education agencies with in-person mental health services resources and in serving  
115 as a lead mental health services provider for a local education agency.

116 (i)(1) Any person or persons participating in the making of a referral pursuant to this  
117 Code section or participating in any judicial proceeding or any other proceeding resulting  
118 therefrom shall in so doing be immune from any civil or criminal liability that might  
119 otherwise be incurred or imposed, provided that such participation pursuant to this Code  
120 section or any other law is made in good faith.

121 (2) No school personnel making a referral in good faith under this Code section shall be  
122 subject to adverse employment consequences, disciplinary action, or retaliation in any  
123 form by a local education agency.

124 (j) Funds appropriated for the program may be expended for the following purposes, in  
125 addition to the general administration of the program, provided that such funds shall not  
126 be used to reimburse any person for copayments required by a commercial insurance  
127 policy:

128 (1) Purchasing equipment for the provision of mental health services by local education  
129 agencies;

130 (2) Reimbursing providers for mental health services provided to students who do not  
131 have coverage under government or private policies; and

132 (3) Training staff and teachers on the program and related technology.

133 (k) The department and the Department of Education shall adopt rules and regulations to  
134 implement the provisions of this Code section."

135 **SECTION 2.**

136 All laws and parts of laws in conflict with this Act are repealed.