



Legal Considerations In Campus Mental Health

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Medical Leaves




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Recommendations

- Clear, concise explanation of expectations, concretely explained, including:
 - Student will get treatment to address the issue that is causing the leave
 - Student will engage in some type of productive activity while on leave
 - Documentation required for leave given to student in writing
 - Parity between policies for leave resulting from mental health issue and physical health issue
 - Leave process coordinated across offices – one stop shop (academics, transcript, housing, financial aid...)

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Return from Medical Leave Recommendations

- Student and outside provider receive written guidelines outlining required documentation for return, including:
 - Diagnosis
 - Frequency and duration of treatment
 - Clinician's opinion re: student's readiness to return and EVIDENCE to support that opinion
 - Treatment recommendations and necessary accommodations upon return to campus

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Return from Medical Leave (cont.)

- Student submits formal written request to return including
 - Current status of issue that caused leave
 - Treatment received or ongoing for the issue
- Student interview (with health or counseling) to review recommendations regarding return and treatment plan
- Clinical documentation sent to Health Center (if physical leave) or Counseling Center (if mental health leave) for review
- Health/Counseling makes recommendation re: students' readiness to return to designated office that oversees leave process (usually dean of students)

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Mandatory Leaves of Absence

- Policy is clear that suicidal ideation ALONE is not justification for mandatory leave
- Consider mandatory leave when:
 - School has exhausted all resources to help student be successful and stay in school
 - Student's behavior is a disruption or danger to the campus living and/or learning community

Clear process for appeal
Policy includes consideration for communication with families

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Tuition Insurance

- Consider offering tuition insurance plan
- Ensure parity between benefits for mental health leave and physical health leave
- Send letter to parents/students outlining benefits of tuition insurance
 - Very little cost for plan vs potential cost of loss tuition
 - Covers unexpected occurrences
 - Encourages students to get care they need without fear of financial loss
- Tuition insurance vendor handles all administrative work

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Teletherapy and Covid-19


- Teletherapy across state lines – governed by states

HOWEVER:

- the federal govt has relaxed licensure limits in terms of medicare and medicaid
- continuity of care and not abandoning your clients/patients in distress are important considerations.
- if you are not billing insurance for visits and student agrees to contact the likelihood of any problem is extremely low.
- if you are not prescribing, you can also call these visits emergency check-ins, coaching or something like that (again, if you are not billing these can be informal) and that should mitigate any concern. Crisis text line and the lifeline are examples of this
- The last thing states will be doing when the dust settles is looking for clinicians who, in an emergency continued to care for their patients
- if a private patient was travelling and has a crisis, there is no reasonable constraint with speaking with them on the phone to offer support
- be cognizant of reasonable privacy limits

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Thank you.



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