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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GOTTFRIED, JACOBS, COLTON, PAULIN, CUSICK, JOHN, PHEFFER, N. RIVERA, ROSENTHAL, ALFANO, KAVANAGH -- Multi-Sponsored by -- M. of A. AUBRY, BARRA, DINOWITZ, HOOPER, LIFTON, LUPARDO, McENENY, PEOPLES-STOKES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to school-based health centers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 2510 of the public health law is amended by adding
2 a new subdivision 13 to read as follows:
3 13. "SCHOOL-BASED HEALTH CENTER" MEANS A CLINIC LICENSED UNDER ARTICLE
4 TWENTY-EIGHT OF THIS CHAPTER, OR SPONSORED BY A FACILITY LICENSED UNDER
5 SUCH ARTICLE, WHICH PROVIDES PRIMARY CARE SERVICES WITHIN AN ELEMENTARY
6 OR SECONDARY PUBLIC SCHOOL SETTING.
7 S 2. Paragraph (i) of subdivision 9 of section 2511 of the public
8 health law, as relettered by section 46 of part A of chapter 1 of the
9 laws of 2002, is relettered paragraph (j) and a new paragraph (i) is
10 added to read as follows:
11 (I) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF PARAGRAPH (A) OF
12 THIS SUBDIVISION, THE COMMISSIONER SHALL, WITHIN AMOUNTS APPROPRIATED
13 THEREFOR, CONTRACT WITH SCHOOL-BASED HEALTH CENTERS TO PROVIDE EDUCATION
14 AND OUTREACH AND TO FACILITATE THE ENROLLMENT OF CHILDREN WHO MAY BE
15 ELIGIBLE FOR BENEFITS UNDER THIS TITLE AND TITLE ELEVEN OF ARTICLE FIVE
16 OF THE SOCIAL SERVICES LAW. IN ORDER TO BE APPROVED PURSUANT TO THIS
17 PARAGRAPH, A SCHOOL-BASED HEALTH CENTER SHALL MEET THE CRITERIA SET
18 FORTH IN THIS SUBDIVISION.
19 S 3. Subdivision 9 of section 2511 of the public health law, as
20 amended by chapter 639 of the laws of 1996, is amended to read as
21 follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 9. The commissioner shall, within amounts available therefor, contract
2 with community-based and other marketing organizations for purposes of
3 public education, outreach, and recruitment of eligible children,
4 including the distribution of applications and information regarding
5 enrollment. In awarding such contracts, the commissioner shall consider
6 the marketing, outreach and recruitment efforts of approved organiza-
7 tions, and the extent to which such organizations are able to effec-
8 tively target efforts in geographic regions where the proportion of
9 eligible children enrolled under this title are lower than in other
10 geographic regions of the state. Community-based organizations shall
11 include, but not be limited to: day care centers, schools, SCHOOL-BASED
12 HEALTH CENTERS, community-based diagnostic and treatment centers, and
13 hospitals.

14 S 4. Section 2511 of the public health law is amended by adding a new
15 subdivision 21 to read as follows:

16 21. AN APPROVED ORGANIZATION SHALL NOT LIMIT AN ELIGIBLE CHILD'S
17 DIRECT ACCESS TO PRIMARY CARE SERVICES COVERED PURSUANT TO SUBDIVISION
18 SEVEN OF SECTION TWENTY-FIVE HUNDRED TEN OF THIS TITLE FROM A
19 SCHOOL-BASED HEALTH CENTER SERVING THE SCHOOL ATTENDED BY THE CHILD AND
20 INCLUDED WITHIN THE PROVIDER NETWORK OF THE APPROVED ORGANIZATION IN
21 WHICH THE CHILD IS ENROLLED. THE SCHOOL-BASED HEALTH CENTER SHALL
22 DISCUSS ANY SUCH PRIMARY CARE SERVICES AND TREATMENT PLAN WITH THE
23 CHILD'S PRIMARY CARE PRACTITIONER IN ACCORDANCE WITH THE REQUIREMENTS OF
24 THE ORGANIZATION AND THIS TITLE.

25 S 5. This act shall take effect on the ninetieth day after it shall
26 have become a law; provided, however, that the amendments to subdivision
27 9 of section 2511 of the public health law made by section two of this
28 act shall be subject to the expiration and reversion of such subdivision
29 pursuant to section 47 of chapter 2 of the laws of 1998, as amended,
30 when upon such date the provisions of section three of this act shall
31 take effect.