STATE OF NEW YORK

1006

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law and the public health law, in relation to requiring annual screenings for depression of students in grades seven through twelve

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 905-a to read as follows:

§ 905-a. Screening examination for depression. 1. The director of school health services of each school district in this state that is required to provide school health services, or the health department or agency otherwise responsible to provide such services, shall conduct annual screening examinations for depression of all students in grades seven through twelve. The screening shall be administered by a qualified professional and shall consist of the Patient Health Questionnaire 2 or an equivalent depression screening tool, as determined by the commissioner, with the assistance of the commissioner of health. The screenings shall be conducted in a manner that ensures the privacy of the student during the screening process and the confidentiality of the results consistent with state and federal laws applicable to the confidentiality of student records. The department, with the assistance of the department of health, shall establish standards on the procedures to be implemented to conduct the screenings for depression and provide for other screening tools, including, but not limited to, a screening tool for anxiety, such as the Generalized Anxiety Disorder 7 or an equivalent anxiety screening tool, as determined by the commissioner, with the assistance of the commissioner of health.

2. The positive results of any such screening examinations of students for depression shall be in writing and the parent of, or person in

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

LBD01138-02-1

parental relation to, any child whose screening for depression detects a suspected deviation from the recommended standard shall be advised of such results by the school authorities within ninety days after such detection of a suspected deviation is made. The school authorities shall inform the parent, or person in parental relation, that the screening is not a diagnosis and shall encourage the parent, or person in parental relation, to share the results of the screening with the student's primary care physician.

3. The school authorities shall forward data collected from screenings administered pursuant to this section to the department and the department of health, provided that any data forwarded shall be aggregated and shall not contain any identifying or confidential information with regard to any individual. Data collected by the departments pursuant to this subdivision shall be used by the departments to identify statewide trends concerning teenage depression and to develop school and community based initiatives to address teenage depression.

4. As used in this section, "qualified professional" means a school psychologist, school nurse, school counselor, student assistance coordinator, school social worker, or physician.

§ 2. Section 206 of the public health law is amended by adding a new subdivision 31 to read as follows:

31. The commissioner shall assist the commissioner of education in developing rules and regulations relating to the annual screening for depression of students in grades seven through twelve, in accordance with section nine hundred five-a of the education law.

§ 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.