

# STATE OF NEW YORK

7602

2023-2024 Regular Sessions

## IN ASSEMBLY

May 25, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to allowing for the delivery of telehealth services in schools by licensed providers

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

1 Section 1. Paragraph (j) of subdivision 1 of section 414 of the educa-  
2 tion law, as added by chapter 513 of the laws of 2005, subparagraph (i)  
3 as amended by chapter 672 of the laws of 2019, is amended to read as  
4 follows:

5 (j) For licensed school-based health, dental or mental health clinics  
6 and telehealth providers. (i) For the purposes of this subdivision, the  
7 term "licensed school-based health, dental or mental health clinic and  
8 telehealth provider" means a clinic or telehealth provider, as defined  
9 in subdivision two of section twenty-nine hundred ninety-nine-cc of the  
10 public health law, that is located in, or provide services to, a school  
11 facility of a school district [~~or~~], board of cooperative educational  
12 services, or charter school, is operated by an entity other than the  
13 school district [~~or~~], board of cooperative educational services, or  
14 charter school and will provide health, dental or mental health services  
15 during school hours and/or non-school hours to school-age and preschool  
16 children, and that is: (1) a health clinic approved under the provisions  
17 of chapter one hundred ninety-eight of the laws of nineteen hundred  
18 seventy-eight; or (2) another school-based health or dental clinic  
19 licensed by the department of health pursuant to article twenty-eight of  
20 the public health law; or (3) a school-based mental health clinic  
21 licensed or approved by the office of mental health pursuant to article  
22 thirty-one of the mental hygiene law; or (4) a school-based mental  
23 health clinic licensed by the office for people with developmental disa-  
24 bilities pursuant to article sixteen of the mental hygiene law; or (5) a  
25 telehealth provider delivering health care services by means of tele-

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

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1 health in accordance with article twenty-nine-G of the public health  
2 law. The commissioner shall develop regulations to implement the  
3 provisions of this paragraph, in consultation with the commissioners of  
4 health, mental health, and the office for people with developmental  
5 disabilities.

6 (ii) Health professionals who provide services [~~in licensed school-~~  
7 ~~based health, dental or mental health clinics~~] pursuant to this para-  
8 graph shall be duly licensed pursuant to the provisions of title eight  
9 of this chapter unless otherwise exempted by law and shall be authorized  
10 to provide such services to the extent permitted by their respective  
11 practice acts.

12 (iii) Except where otherwise authorized by law, the cost of providing  
13 health, dental or mental health services, including telehealth services,  
14 shall not be a charge upon the school district [~~or~~], board of cooper-  
15 ative educational services, or charter school, and shall be paid from  
16 federal, state or other local funds available for such purpose. Building  
17 space used for [~~such a clinic~~] the provision of health, dental or mental  
18 health services, including telehealth services, shall be excluded from  
19 the rated capacity of the school building for the purpose of computing  
20 building aid pursuant to subdivision six of section thirty-six hundred  
21 two of this chapter or aid pursuant to subdivision five of section nine-  
22 teen hundred fifty of this chapter.

23 (iv) Nothing in this paragraph shall be construed to justify a cause  
24 of action for damages against a school district [~~or a~~], board of cooper-  
25 ative educational services, or charter school, by reason of acts of  
26 negligence or misconduct by a school-based health, dental or mental  
27 health clinic or such clinic's officers or employees or by a telehealth  
28 provider or such telehealth provider's officers or employees.

29 (v) Telehealth services may only be provided to students pursuant to  
30 this paragraph if the student has written consent from a parent or  
31 person in parental relation.

32 § 2. This act shall take effect on the one hundred eightieth day after  
33 it shall have become a law. Effective immediately, the addition, amend-  
34 ment and/or repeal of any rule or regulation necessary for the implemen-  
35 tation of this act on its effective date are authorized to be made and  
36 completed on or before such effective date.