

# STATE OF NEW YORK

2312

2023-2024 Regular Sessions

## IN SENATE

January 19, 2023

Introduced by Sen. GOUNARDES -- 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:

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

3 § 905-a. Screening examination for depression. 1. The director of  
4 school health services of each school district in this state that is  
5 required to provide school health services, or the health department or  
6 agency otherwise responsible to provide such services, shall conduct  
7 annual screening examinations for depression of all students in grades  
8 seven through twelve. The screening shall be administered by a qualified  
9 professional and shall consist of the Patient Health Questionnaire 2 or  
10 an equivalent depression screening tool, as determined by the commis-  
11 sioner, with the assistance of the commissioner of health. The screen-  
12 ings shall be conducted in a manner that ensures the privacy of the  
13 student during the screening process and the confidentiality of the  
14 results consistent with state and federal laws applicable to the confi-  
15 dentiality of student records. The department, with the assistance of  
16 the department of health, shall establish standards on the procedures to  
17 be implemented to conduct the screenings for depression and provide for  
18 other screening tools, including, but not limited to, a screening tool  
19 for anxiety, such as the Generalized Anxiety Disorder 7 or an equivalent  
20 anxiety screening tool, as determined by the commissioner, with the  
21 assistance of the commissioner of health.

22 2. The positive results of any such screening examinations of students  
23 for depression shall be in writing and the parent of, or person in  
24 parental relation to, any child whose screening for depression detects a

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

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1 suspected deviation from the recommended standard shall be advised of  
2 such results by the school authorities within ninety days after such  
3 detection of a suspected deviation is made. The school authorities shall  
4 inform the parent, or person in parental relation, that the screening is  
5 not a diagnosis and shall encourage the parent, or person in parental  
6 relation, to share the results of the screening with the student's  
7 primary care physician.

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

16 4. As used in this section, "qualified professional" means a school  
17 psychologist, school nurse, school counselor, student assistance coordi-  
18 nator, school social worker, or physician.

19 § 2. Section 206 of the public health law is amended by adding a new  
20 subdivision 32 to read as follows:

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

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