

# STATE OF NEW YORK

6080--A

2023-2024 Regular Sessions

## IN SENATE

March 28, 2023

Introduced by Sens. HELMING, ASHBY, BORRELLO, GALLIVAN, MATTERA, OBER-  
ACKER, O'MARA, PALUMBO, WALCZYK -- read twice and ordered printed, and  
when printed to be committed to the Committee on Education -- recom-  
mitted to the Committee on Education in accordance with Senate Rule 6,  
sec. 8 -- committee discharged, bill amended, ordered reprinted as  
amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation  
to the ability for school districts to implement telehealth school-  
based mental health clinics; to amend the state finance law, in  
relation to the student mental telehealth reimbursement fund; and to  
amend the racing, pari-mutuel wagering and breeding law, in relation  
to funding the student mental telehealth reimbursement fund

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

1 Section 1. Subparagraph (i) of paragraph (j) of subdivision 1 of  
2 section 414 of the education law, as amended by chapter 672 of the laws  
3 of 2019, is amended to read as follows:  
4 (i) For the purposes of this subdivision, the term "licensed school-  
5 based health, dental or mental health clinic" means a clinic that is  
6 located in a school facility of a school district or board of cooper-  
7 ative educational services, is operated by an entity other than the  
8 school district or board of cooperative educational services and will  
9 provide health, dental or mental health services during school hours  
10 and/or non-school hours to school-age and preschool children, and that  
11 is: (1) a health clinic approved under the provisions of chapter one  
12 hundred ninety-eight of the laws of nineteen hundred seventy-eight; or  
13 (2) another school-based health or dental clinic licensed by the depart-  
14 ment of health pursuant to article twenty-eight of the public health  
15 law; or (3) a school-based mental health clinic licensed or approved by  
16 the office of mental health pursuant to article thirty-one of the mental  
17 hygiene law; or (4) a school-based mental health clinic licensed by the

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

LBD10190-02-4

1 office for people with developmental disabilities pursuant to article  
2 sixteen of the mental hygiene law; or (5) a school-based mental health  
3 clinic licensed pursuant to the sections above that operates as a tele-  
4 health clinic as defined pursuant to section twenty-nine hundred nine-  
5 ty-nine-cc of the public health law.

6 § 2. Section 2999-dd of the public health law is amended by adding a  
7 new subdivision 3-a to read as follows:

8 3-a. The commissioner of education, in consultation with the commis-  
9 sioner, the commissioner of mental health, and the commissioner of the  
10 office of persons with developmental disabilities, shall develop minimum  
11 qualifications for school districts to operate telehealth school-based  
12 mental health clinics. Such qualifications shall be consistent with best  
13 practices pursuant to school-based mental health clinics as currently  
14 operated under existing law.

15 § 3. The state finance law is amended by adding a new section 99-rr to  
16 read as follows:

17 § 99-rr. Student mental telehealth reimbursement fund. 1. There is  
18 hereby established in the joint custody of the state comptroller and the  
19 commissioner of taxation and finance a fund to be known as the student  
20 mental telehealth reimbursement fund.

21 2. Such fund shall consist of all revenues generated pursuant to  
22 subdivision eight of section thirteen hundred sixty-seven of the racing,  
23 pari-mutuel wagering and breeding law and all other moneys credited or  
24 transferred thereto from any other fund or source pursuant to law.

25 3. Moneys of the fund, following appropriation by the legislature  
26 shall be made available to the state education department for the  
27 purposes of providing reimbursement to school districts for the costs of  
28 establishing and maintaining school-based mental health clinics that  
29 operate as telehealth clinics pursuant to clause five of subparagraph  
30 (i) of paragraph (j) of subdivision one of section four hundred fourteen  
31 of the education law. Costs eligible for reimbursement shall include but  
32 not be limited to: contract costs and fees associated with agreements  
33 with telehealth providers; costs of services remitted to providers on a  
34 case-by-case basis; costs associated with acquiring and maintaining  
35 technological equipment necessary for telehealth services to be  
36 rendered; and costs associated with establishing physical space neces-  
37 sary for telehealth services to be rendered.

38 § 4. Subdivision 8 of section 1367 of the racing, pari-mutuel wagering  
39 and breeding law, as added by section 3 of part Y of chapter 59 of the  
40 laws of 2021, is amended to read as follows:

41 8. Notwithstanding section thirteen hundred fifty-one of this article,  
42 mobile sports wagering gross gaming revenue and tax revenue shall be  
43 excluded from sports wagering gross gaming revenue and tax revenue.  
44 Mobile sports wagering tax revenue shall be separately maintained and  
45 returned to the state for deposit into the state lottery fund for educa-  
46 tion aid except as otherwise provided in this subdivision. Any interest  
47 and penalties imposed by the commission relating to those taxes, all  
48 penalties levied and collected by the commission, and the appropriate  
49 funds, cash or prizes forfeited from sports wagering shall be deposited  
50 into the state lottery fund for education. In the first fiscal year in  
51 which mobile sports wagering licensees commence operations and accept  
52 mobile sports wagers pursuant to this section, the commission shall pay  
53 into the commercial gaming fund one percent of the state tax imposed on  
54 mobile sports wagering by this section to be distributed for problem  
55 gambling education and treatment purposes pursuant to paragraph a of  
56 subdivision four of section ninety-seven-nmmn of the state finance law;

1 provided however, that such amount shall be equal to six million dollars  
2 for each fiscal year thereafter. In the first fiscal year in which  
3 mobile sports wagering licensees commence operations and accept mobile  
4 sports wagers pursuant to this section, the commission shall pay one  
5 percent of the state tax imposed on mobile sports wagering by this  
6 section to the general fund, a program to be administered by the office  
7 of children and family services for a statewide youth sports activities  
8 and education grant program for the purpose of providing annual awards  
9 to sports programs for underserved youth under the age of eighteen  
10 years; provided however, that such amount shall be equal to five million  
11 dollars for each fiscal year thereafter. The commission shall require at  
12 least monthly deposits by a platform provider of any payments pursuant  
13 to subdivision seven of this section, at such times, under such condi-  
14 tions, and in such depositories as shall be prescribed by the state  
15 comptroller. The deposits shall be deposited to the credit of the state  
16 commercial gaming revenue fund. The commission shall require a monthly  
17 report and reconciliation statement to be filed with it on or before the  
18 tenth day of each month, with respect to gross revenues and deposits  
19 received and made, respectively, during the preceding month. In each  
20 fiscal year in which mobile sports licensees operate and accept mobile  
21 sports wagers pursuant to this subdivision, the commission shall pay  
22 five percent of the state tax imposed on mobile sports wagering by this  
23 section to the student mental telehealth reimbursement fund established  
24 pursuant to section ninety-nine-rr of the state finance law for the  
25 purpose of providing annual awards to school districts administering  
26 school-based mental health telehealth services.

27 § 5. This act shall take effect on the one hundred eightieth day after  
28 it shall have become a law.