

# STATE OF NEW YORK

9790

## IN ASSEMBLY

April 9, 2024

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

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 Assembly, 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  
18 office for people with developmental disabilities pursuant to article  
19 sixteen of the mental hygiene law; or (5) a school-based mental health  
20 clinic licensed pursuant to the sections above that operates as a tele-  
21 health clinic as defined pursuant to section twenty-nine hundred nine-  
22 ty-nine-cc of the public health law.

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

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

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1 3-a. The commissioner of education, in consultation with the commis-  
2 sioner, the commissioner of mental health, and the commissioner of the  
3 office of persons with developmental disabilities, shall develop minimum  
4 qualifications for school districts to operate telehealth school-based  
5 mental health clinics. Such qualifications shall be consistent with best  
6 practices pursuant to school-based mental health clinics as currently  
7 operated under existing law.

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

10 § 99-rr. Student mental telehealth reimbursement fund. 1. There is  
11 hereby established in the joint custody of the state comptroller and the  
12 commissioner of taxation and finance a fund to be known as the student  
13 mental telehealth reimbursement fund.

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

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

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

34 8. Notwithstanding section thirteen hundred fifty-one of this article,  
35 mobile sports wagering gross gaming revenue and tax revenue shall be  
36 excluded from sports wagering gross gaming revenue and tax revenue.  
37 Mobile sports wagering tax revenue shall be separately maintained and  
38 returned to the state for deposit into the state lottery fund for educa-  
39 tion aid except as otherwise provided in this subdivision. Any interest  
40 and penalties imposed by the commission relating to those taxes, all  
41 penalties levied and collected by the commission, and the appropriate  
42 funds, cash or prizes forfeited from sports wagering shall be deposited  
43 into the state lottery fund for education. In the first fiscal year in  
44 which mobile sports wagering licensees commence operations and accept  
45 mobile sports wagers pursuant to this section, the commission shall pay  
46 into the commercial gaming fund one percent of the state tax imposed on  
47 mobile sports wagering by this section to be distributed for problem  
48 gambling education and treatment purposes pursuant to paragraph a of  
49 subdivision four of section ninety-seven-nnnn of the state finance law;  
50 provided however, that such amount shall be equal to six million dollars  
51 for each fiscal year thereafter. In the first fiscal year in which  
52 mobile sports wagering licensees commence operations and accept mobile  
53 sports wagers pursuant to this section, the commission shall pay one  
54 percent of the state tax imposed on mobile sports wagering by this  
55 section to the general fund, a program to be administered by the office  
56 of children and family services for a statewide youth sports activities

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

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