

STATE OF NEW YORK

2077

2025-2026 Regular Sessions

IN SENATE

January 15, 2025

Introduced by Sens. MAYER, JACKSON -- read twice and ordered printed,
and when printed to be committed to the Committee on 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 Assem-
bly, 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 for services provided
3 by a telehealth provider delivering health care services by means of
4 telehealth pursuant to this paragraph, in consultation with the commis-
5 sioners of health, mental health, and the office for people with devel-
6 opmental disabilities. Such regulations shall, at a minimum, include
7 the requirements for licensure of telehealth providers, billing and
8 payment responsibilities for telehealth providers, requirements for
9 necessary space and appropriate technology to ensure patient privacy,
10 staffing requirements, appropriate scope of services, and shall be in
11 compliance with all applicable state and federal law. Such regulations
12 shall ensure that telehealth services supplement not supplant school
13 nurses, school psychologists, school social workers, and school counse-
14 lors.

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

21 (iii) Except where otherwise authorized by law, the cost of providing
22 health, dental or mental health services, including telehealth services,
23 shall not be a charge upon the school district [~~or~~], board of cooper-
24 ative educational services, or charter school, and shall be paid from
25 federal, state or other local funds available for such purpose. Building
26 space used for [~~such a clinic~~] the provision of health, dental or mental
27 health services, including telehealth services, shall be excluded from
28 the rated capacity of the school building for the purpose of computing
29 building aid pursuant to subdivision six of section thirty-six hundred
30 two of this chapter or aid pursuant to subdivision five of section nine-
31 teen hundred fifty of this chapter. School districts, boards of cooper-
32 ative educational services, or charter schools providing telehealth
33 services shall be responsible for ensuring technology and space, and
34 required personnel are available for telehealth services pursuant to the
35 regulations, unless provided by a licensed school-based health, dental,
36 or mental health clinic.

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

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

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