

Health Care Reform Language on SBHCs

The text of the full the Patient Protection and Affordable Care Act, can be found at http://dpc.senate.gov/dpcdoc-sen_health_care_bill.cfm

Subtitle B—Increasing Access to Clinical Preventive Services

SEC. 4101. SCHOOL-BASED HEALTH CENTERS.

(a) GRANTS FOR THE ESTABLISHMENT OF SCHOOL-BASED HEALTH CENTERS.—

This is the “emergency” appropriation.

(1) PROGRAM.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall establish a program to award grants to eligible entities to support the operation of school-based health centers.

(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity shall—

- (A) be a school-based health center or a sponsoring facility of a school-based health center; and
- (B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including at a minimum an assurance that funds awarded under the grant shall not be used to provide any service that is not authorized or allowed by Federal, State, or local law.

(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to awarding grants for school-based health centers that serve a large population of children eligible for medical assistance under the State Medicaid plan under title XIX of the Social Security Act or under a waiver of such plan or children eligible for child health assistance under the State child health plan under title XXI of that Act (42 U.S.C. 1397aa et seq.).

(4) LIMITATION ON USE OF FUNDS.—An eligible entity shall use funds provided under a grant awarded under this subsection only for expenditures for facilities (including the acquisition or improvement of land, or the acquisition, construction, expansion, replacement, or other improvement of any building or other facility), equipment, or similar expenditures, as specified by the Secretary. No funds provided under a grant awarded under this section shall be used for expenditures for personnel or to provide health services.

(5) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2010 through 2013, \$50,000,000 for the purpose of carrying out this subsection. Funds appropriated under this paragraph shall remain available until expended. [Note: These funds will be available

(6) DEFINITIONS.—In this subsection, the terms “school based health center” and “sponsoring facility” have the meanings given those terms in section 2110(c)(9) of the Social Security Act (42 U.S.C. 1397jj(c)(9)).

(b) GRANTS FOR THE OPERATION OF SCHOOL-BASED HEALTH CENTERS.—Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

This is the authorization.

“SEC. 399Z–1. SCHOOL-BASED HEALTH CENTERS.

“(a) DEFINITIONS; ESTABLISHMENT OF CRITERIA.—In this section:

“(1) **COMPREHENSIVE PRIMARY HEALTH SERVICES.**—The term ‘comprehensive primary health services’ means the core services offered by school-based health centers, which shall include the following:

“(A) **PHYSICAL.**—Comprehensive health assessments, diagnosis, and treatment of minor, acute, and chronic medical conditions, and referrals to, and follow-up for, specialty care and oral health services.

“(B) **MENTAL HEALTH.**—Mental health and substance use disorder assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs.

“(2) **MEDICALLY UNDERSERVED CHILDREN AND ADOLESCENTS.**—

“(A) **IN GENERAL.**—The term ‘medically underserved children and adolescents’ means a population of children and adolescents who are residents of an area designated as a medically underserved area or a health professional shortage area by the Secretary.

“(B) **CRITERIA.**—The Secretary shall prescribe criteria for determining the specific shortages of personal health services for medically underserved children and adolescents under subparagraph (A) that shall—

“(i) take into account any comments received by the Secretary from the chief executive officer of a State and local officials in a State; and “(ii) include factors indicative of the health status of such children and adolescents of an area, including the ability of the residents of such area to pay for health services, the accessibility of such services, the availability of health professionals to such children and adolescents, and other factors as determined appropriate by the Secretary.

“(3) **SCHOOL-BASED HEALTH CENTER.**—The term ‘school based health center’ means a health clinic that—

“(A) meets the definition of a school-based health center under section 2110(c)(9)(A) of the Social Security Act and is administered by a sponsoring facility (as defined in section 2110(c)(9)(B) of the Social Security Act); [see next section for this definition](#)

“(B) provides, at a minimum, comprehensive primary health services during school hours to children and adolescents by health professionals in accordance with established standards, community practice, reporting laws, and other State laws, including parental consent and notification laws that are not inconsistent with Federal law; and

“(C) does not perform abortion services.

“(b) AUTHORITY TO AWARD GRANTS.—The Secretary shall award grants for the costs of the operation of school-based health centers (referred to in this section as ‘SBHCs’) that meet the requirements of this section.

“(c) APPLICATIONS.—To be eligible to receive a grant under this section, an entity shall—

“(1) be an SBHC (as defined in subsection (a)(3)); and

“(2) submit to the Secretary an application at such time, in such manner, and containing—

“(A) evidence that the applicant meets all criteria necessary to be designated an SBHC;

“(B) evidence of local need for the services to be provided by the SBHC;

“(C) an assurance that—

“(i) SBHC services will be provided to those children and adolescents for whom parental or guardian consent has been obtained in cooperation with Federal, State, and local laws governing health care service provision to children and adolescents;

“(ii) the SBHC has made and will continue to make every reasonable effort to establish and maintain collaborative relationships with other health care providers in the catchment area of the SBHC;

“(iii) the SBHC will provide on-site access during the academic day when school is in session and 24-hour coverage through an on-call system and through its backup health providers to ensure access to services on a year-round basis when the school or the SBHC is closed;

“(iv) the SBHC will be integrated into the school environment and will coordinate health services with school personnel, such as administrators, teachers, nurses, counselors, and support personnel, as well as with other community providers co-located at the school;

“(v) the SBHC sponsoring facility assumes all responsibility for the SBHC administration, operations, and oversight; and

“(vi) the SBHC will comply with Federal, State, and local laws concerning patient privacy and student records, including regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 444 of the General Education Provisions Act; and

“(D) such other information as the Secretary may require.

“(d) PREFERENCES AND CONSIDERATION.—In reviewing applications:

“(1) The Secretary may give preference to applicants who demonstrate an ability to serve the following:

“(A) Communities that have evidenced barriers to primary health care and mental health and substance use disorder prevention services for children and adolescents.

“(B) Communities with high per capita numbers of children and adolescents who are uninsured, underinsured, or enrolled in public health insurance programs.

“(C) Populations of children and adolescents that have historically demonstrated difficulty in accessing health and mental health and substance use disorder prevention services.

“(2) The Secretary may give consideration to whether an applicant has received a grant under subsection (a) of section 4101 of the Patient Protection and Affordable Care Act.

“(e) WAIVER OF REQUIREMENTS.—The Secretary may—

“(1) under appropriate circumstances, waive the application of all or part of the requirements of this subsection with respect to an SBHC for not to exceed 2 years; and

“(2) upon a showing of good cause, waive the requirement that the SBHC provide all required comprehensive primary health services for a designated period of time to be determined by the Secretary.

“(f) USE OF FUNDS.—

“(1) FUNDS.—Funds awarded under a grant under this section—

“(A) may be used for—

“(i) acquiring and leasing equipment (including the costs of amortizing the principle of, and paying interest on, loans for such equipment);

“(ii) providing training related to the provision of required comprehensive primary health services and additional health services;

“(iii) the management and operation of health center programs;

“(iv) the payment of salaries for physicians, nurses, and other personnel of the SBHC; and

“(B) may not be used to provide abortions.

“(2) CONSTRUCTION.—The Secretary may award grants which may be used to pay the costs associated with expanding and modernizing existing buildings for use as an SBHC, including the purchase of trailers or manufactured buildings to install on the school property.

“(3) LIMITATIONS.—

“(A) IN GENERAL.—Any provider of services that is determined by a State to be in violation of a State law described in subsection (a)(3)(B) with respect to activities carried out at a SBHC shall not be eligible to receive additional funding under this section.

“(B) NO OVERLAPPING GRANT PERIOD.—No entity that has received funding under section 330 for a grant period shall be eligible for a grant under this section for with respect to the same grant period.

“(g) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 20 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

“(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for the SBHC if the Secretary determines that applying the matching requirement to the SBHC would result in serious hardship or an inability to carry out the purposes of this section.

“(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

“(i) EVALUATION.—The Secretary shall develop and implement a plan for evaluating SBHCs and monitoring quality performance under the awards made under this section.

“(j) AGE APPROPRIATE SERVICES.—An eligible entity receiving funds under this section shall only provide age appropriate services through a SBHC funded under this section to an individual.

“(k) PARENTAL CONSENT.—An eligible entity receiving funds under this section shall not provide services through a SBHC funded under this section to an individual without the consent of the parent or guardian of such individual if such individual is considered a minor under applicable State law.

“(l) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.”.

SEC. 505. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

Definition of school-based health center in federal statute

This language can be found at: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_public_laws&docid=f:publ003.111

“(9) School-based health center.—

“(A) In general.--The term `school-based health center' means a health clinic that--

- “(i) is located in or near a school facility of a school district or board or of an Indian tribe or tribal organization;
- “(ii) is organized through school, community, and health provider relationships;
- “(iii) is administered by a sponsoring facility;
- “(iv) provides through health professionals primary health services to children in accordance with State and local law, including laws relating to licensure and certification; and
- “(v) satisfies such other requirements as a State may establish for the operation of such a clinic.

“(B) Sponsoring facility.--For purposes of subparagraph (A)(iii), the term `sponsoring facility' includes any of the following:

- “(i) A hospital.
- “(ii) A public health department.
- “(iii) A community health center.
- “(iv) A nonprofit health care agency.
- “(v) A school or school system.
- “(vi) A program administered by the Indian Health Service or the Bureau of Indian Affairs or operated by an Indian tribe or a tribal organization.”.