

1 **Subtitle B—Increasing Access to**
2 **Clinical Preventive Services**

3 **SEC. 4101. SCHOOL-BASED HEALTH CENTERS.**

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

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

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

13 (A) be a school-based health center or a
14 sponsoring facility of a school-based health cen-
15 ter; and

16 (B) submit an application at such time, in
17 such manner, and containing such information
18 as the Secretary may require, including at a
19 minimum an assurance that funds awarded
20 under the grant shall not be used to provide
21 any service that is not authorized or allowed by
22 Federal, State, or local law.

23 (3) PREFERENCE.—In awarding grants under
24 this section, the Secretary shall give preference to
25 awarding grants for school-based health centers that

1 serve a large population of children eligible for med-
2 ical assistance under the State Medicaid plan under
3 title XIX of the Social Security Act or under a waiv-
4 er of such plan or children eligible for child health
5 assistance under the State child health plan under
6 title XXI of that Act (42 U.S.C. 1397aa et seq.).

7 (4) LIMITATION ON USE OF FUNDS.—An eligi-
8 ble entity shall use funds provided under a grant
9 awarded under this subsection only for expenditures
10 for facilities (including the acquisition or improve-
11 ment of land, or the acquisition, construction, expan-
12 sion, replacement, or other improvement of any
13 building or other facility), equipment, or similar ex-
14 penditures, as specified by the Secretary. No funds
15 provided under a grant awarded under this section
16 shall be used for expenditures for personnel or to
17 provide health services.

18 (5) APPROPRIATIONS.—Out of any funds in the
19 Treasury not otherwise appropriated, there is appro-
20 priated for each of fiscal years 2010 through 2013,
21 \$50,000,000 for the purpose of carrying out this
22 subsection. Funds appropriated under this para-
23 graph shall remain available until expended.

24 (6) DEFINITIONS.—In this subsection, the
25 terms “school-based health center” and “sponsoring

1 facility” have the meanings given those terms in sec-
2 tion 2110(c)(9) of the Social Security Act (42
3 U.S.C. 1397jj(c)(9)).

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

8 **“SEC. 399Z-1. SCHOOL-BASED HEALTH CENTERS.**

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

11 “(1) COMPREHENSIVE PRIMARY HEALTH SERV-
12 ICES.—The term ‘comprehensive primary health
13 services’ means the core services offered by school-
14 based health centers, which shall include the fol-
15 lowing:

16 “(A) PHYSICAL.—Comprehensive health
17 assessments, diagnosis, and treatment of minor,
18 acute, and chronic medical conditions, and re-
19 ferrals to, and follow-up for, specialty care and
20 oral health services.

21 “(B) MENTAL HEALTH.—Mental health
22 and substance use disorder assessments, crisis
23 intervention, counseling, treatment, and referral
24 to a continuum of services including emergency

1 psychiatric care, community support programs,
2 inpatient care, and outpatient programs.

3 “(2) MEDICALLY UNDERSERVED CHILDREN
4 AND ADOLESCENTS.—

5 “(A) IN GENERAL.—The term ‘medically
6 underserved children and adolescents’ means a
7 population of children and adolescents who are
8 residents of an area designated as a medically
9 underserved area or a health professional short-
10 age area by the Secretary.

11 “(B) CRITERIA.—The Secretary shall pre-
12 scribe criteria for determining the specific
13 shortages of personal health services for medi-
14 cally underserved children and adolescents
15 under subparagraph (A) that shall—

16 “(i) take into account any comments
17 received by the Secretary from the chief
18 executive officer of a State and local offi-
19 cials in a State; and

20 “(ii) include factors indicative of the
21 health status of such children and adoles-
22 cents of an area, including the ability of
23 the residents of such area to pay for health
24 services, the accessibility of such services,
25 the availability of health professionals to

1 such children and adolescents, and other
2 factors as determined appropriate by the
3 Secretary.

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

7 “(A) meets the definition of a school-based
8 health center under section 2110(c)(9)(A) of
9 the Social Security Act and is administered by
10 a sponsoring facility (as defined in section
11 2110(c)(9)(B) of the Social Security Act);

12 “(B) provides, at a minimum, comprehen-
13 sive primary health services during school hours
14 to children and adolescents by health profes-
15 sionals in accordance with established stand-
16 ards, community practice, reporting laws, and
17 other State laws, including parental consent
18 and notification laws that are not inconsistent
19 with Federal law; and

20 “(C) does not perform abortion services.

21 “(b) AUTHORITY TO AWARD GRANTS.—The Sec-
22 retary shall award grants for the costs of the operation
23 of school-based health centers (referred to in this section
24 as ‘SBIICs’) that meet the requirements of this section.

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

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

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

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

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

11 “(C) an assurance that—

12 “(i) SBHC services will be provided to
13 those children and adolescents for whom
14 parental or guardian consent has been ob-
15 tained in cooperation with Federal, State,
16 and local laws governing health care serv-
17 ice provision to children and adolescents;

18 “(ii) the SBHC has made and will
19 continue to make every reasonable effort to
20 establish and maintain collaborative rela-
21 tionships with other health care providers
22 in the catchment area of the SBHC;

23 “(iii) the SBHC will provide on-site
24 access during the academic day when
25 school is in session and 24-hour coverage

1 through an on-call system and through its
2 backup health providers to ensure access to
3 services on a year-round basis when the
4 school or the SBHC is closed;

5 “(iv) the SBHC will be integrated into
6 the school environment and will coordinate
7 health services with school personnel, such
8 as administrators, teachers, nurses, coun-
9 selors, and support personnel, as well as
10 with other community providers co-located
11 at the school;

12 “(v) the SBHC sponsoring facility as-
13 sumes all responsibility for the SBHC ad-
14 ministration, operations, and oversight;
15 and

16 “(vi) the SBHC will comply with Fed-
17 eral, State, and local laws concerning pa-
18 tient privacy and student records, includ-
19 ing regulations promulgated under the
20 Health Insurance Portability and Account-
21 ability Act of 1996 and section 444 of the
22 General Education Provisions Act; and

23 “(D) such other information as the Sec-
24 retary may require.

1 “(d) PREFERENCES AND CONSIDERATION.—In re-
2 viewing applications:

3 “(1) The Secretary may give preference to ap-
4 plicants who demonstrate an ability to serve the fol-
5 lowing:

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

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

14 “(C) Populations of children and adoles-
15 cents that have historically demonstrated dif-
16 ficulty in accessing health and mental health
17 and substance use disorder prevention services.

18 “(2) The Secretary may give consideration to
19 whether an applicant has received a grant under
20 subsection (a) of section 4101 of the Patient Protec-
21 tion and Affordable Care Act.

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

24 “(1) under appropriate circumstances, waive
25 the application of all or part of the requirements of

1 this subsection with respect to an SBHC for not to
2 exceed 2 years; and

3 “(2) upon a showing of good cause, waive the
4 requirement that the SBHC provide all required
5 comprehensive primary health services for a des-
6 ignated period of time to be determined by the Sec-
7 retary.

8 “(f) USE OF FUNDS.—

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

11 “(A) may be used for—

12 “(i) acquiring and leasing equipment
13 (including the costs of amortizing the prin-
14 ciple of, and paying interest on, loans for
15 such equipment);

16 “(ii) providing training related to the
17 provision of required comprehensive pri-
18 mary health services and additional health
19 services;

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

22 “(iv) the payment of salaries for phy-
23 sicians, nurses, and other personnel of the
24 SBHC; and

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

1 “(2) CONSTRUCTION.—The Secretary may
2 award grants which may be used to pay the costs as-
3 sociated with expanding and modernizing existing
4 buildings for use as an SBHC, including the pur-
5 chase of trailers or manufactured buildings to install
6 on the school property.

7 “(3) LIMITATIONS.—

8 “(A) IN GENERAL.—Any provider of serv-
9 ices that is determined by a State to be in viola-
10 tion of a State law described in subsection
11 (a)(3)(B) with respect to activities carried out
12 at a SBHC shall not be eligible to receive addi-
13 tional funding under this section.

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

19 “(g) MATCHING REQUIREMENT.—

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

1 “(2) WAIVER.—The Secretary may waive all or
2 part of the matching requirement described in para-
3 graph (1) for any fiscal year for the SBHC if the
4 Secretary determines that applying the matching re-
5 quirement to the SBHC would result in serious
6 hardship or an inability to carry out the purposes of
7 this section.

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

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

15 “(j) AGE APPROPRIATE SERVICES.—An eligible enti-
16 ty receiving funds under this section shall only provide age
17 appropriate services through a SBHC funded under this
18 section to an individual.

19 “(k) PARENTAL CONSENT.—An eligible entity receiv-
20 ing funds under this section shall not provide services
21 through a SBHC funded under this section to an indi-
22 vidual without the consent of the parent or guardian of
23 such individual if such individual is considered a minor
24 under applicable State law.

