

1851--A

2009-2010 Regular Sessions

I N   S E N A T E

February 9, 2009

---

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommended to the Committee on Higher 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, in relation to health care practitioner professional education in the area of elderly abuse

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph a of subdivision 3 of section 6507 of the educa-  
2     tion law, as amended by chapter 356 of the laws of 2006, is amended to  
3     read as follows:  
4     a. Establish standards for preprofessional and professional education,  
5     experience and licensing examinations as required to implement the arti-  
6     cle for each profession. Notwithstanding any other provision of law, the  
7     commissioner shall establish standards requiring that all persons apply-  
8     ing, on or after January first, nineteen hundred ninety-one, initially,  
9     or for the renewal of, a license, registration or limited permit to be a  
10    physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
11    trist, psychiatrist, psychologist, licensed master social worker,  
12    licensed clinical social worker, licensed creative arts therapist,  
13    licensed marriage and family therapist, licensed mental health counse-  
14    lor, licensed psychoanalyst, or dental hygienist shall, in addition to  
15    all the other licensure, certification or permit requirements, have  
16    completed [two] THREE hours of coursework or training regarding the  
17    identification and reporting of child AND ELDER abuse and maltreatment.  
18    The coursework or training shall be obtained from an institution or  
19    provider which has been approved by the department to provide such  
20    coursework or training. [The] TWO HOURS OF THE coursework or training  
21    shall include information regarding the physical and behavioral indica-  
22    tors of child abuse and maltreatment and the statutory reporting

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

LBD02895-02-0

1 requirements set out in sections four hundred thirteen through four  
2 hundred twenty of the social services law, including but not limited to,  
3 when and how a report must be made, what other actions the reporter is  
4 mandated or authorized to take, the legal protections afforded repor-  
5 ters, and the consequences for failing to report. ONE HOUR OF THE  
6 COURSEWORK OR TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION  
7 REGARDING THE PHYSICAL AND BEHAVIORAL INDICATORS OF ELDER ABUSE AND  
8 MALTREATMENT, AND WHEN AND HOW A REPORT OF ELDER ABUSE AND MALTREATMENT  
9 MAY BE MADE, WHAT OTHER ACTIONS THE REPORTER IS MANDATED OR AUTHORIZED  
10 TO TAKE, THE LEGAL PROTECTIONS AFFORDED REPORTERS, AND THE CONSEQUENCES,  
11 IF ANY, FOR FAILING TO REPORT. FOR THE PURPOSES OF THIS PARAGRAPH,  
12 "ELDER ABUSE AND MALTREATMENT" MEANS PHYSICAL ABUSE, SEXUAL ABUSE,  
13 EMOTIONAL ABUSE, ACTIVE NEGLECT, PASSIVE NEGLECT OR SELF NEGLECT, AS  
14 SUCH TERMS ARE DEFINED BY SUBDIVISION SIX OF SECTION FOUR HUNDRED SEVEN-  
15 TY-THREE OF THE SOCIAL SERVICES LAW, COMMITTED AGAINST A PERSON SIXTY  
16 YEARS OF AGE OR OLDER. Such coursework or training may also include  
17 information regarding the physical and behavioral indicators of the  
18 abuse of individuals with mental retardation and other developmental  
19 disabilities and voluntary reporting of abused or neglected adults to  
20 the office of mental retardation and developmental disabilities or the  
21 local adult protective services unit. Each applicant shall provide the  
22 department with documentation showing that he or she has completed the  
23 required training. The department shall provide an exemption from the  
24 child AND ELDER abuse and maltreatment training requirements to any  
25 applicant who requests such an exemption and who shows, to the depart-  
26 ment's satisfaction, that there would be no need because of the nature  
27 of his or her practice for him or her to complete such training;  
28 S 2. This act shall take effect on the first of January of the second  
29 calendar year commencing after the date on which it shall have become a  
30 law.