

STATE OF NEW YORK

5419

2017-2018 Regular Sessions

IN ASSEMBLY

February 8, 2017

Introduced by M. of A. WEPRIN -- Multi-Sponsored by -- M. of A. CROUCH, MAGEE, PERRY, RAIA, RIVERA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to suspension of professional licenses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 6511-a
2 to read as follows:

3 § 6511-a. Penalties for professional misconduct involving support
4 proceedings. The provisions of this section shall apply in all cases of
5 licensees who have failed, after receiving appropriate notice, to comply
6 with a summons, subpoena or warrant relating to a paternity or child
7 support proceeding or is in arrears in payment of child support or
8 combined child and spousal support referred to the department by a court
9 pursuant to the requirements of section two hundred forty-four-c of the
10 domestic relations law or pursuant to section four hundred fifty-eight-b
11 or five hundred forty-eight-b of the family court act.

12 (1) Upon receipt of an order from the court pursuant to one of the
13 foregoing provisions of law based on arrears in payment of child support
14 or combined child and spousal support, the department, if it finds such
15 person to be so licensed, shall within thirty days of receipt of such
16 order from the court, provide notice to the licensee of, and initiate, a
17 hearing which shall be held by it at least twenty days and no more than
18 thirty days after the sending of such notice to the licensee. The hear-
19 ing shall be held solely for the purpose of determining whether there
20 exists as of the date of the hearing proof that full payment of all
21 arrears of support established by the order of the court to be due from
22 the licensee have been paid. Proof of such payment shall be a certified
23 check showing full payment of established arrears or a notice issued by
24 the court, or the support collection unit where the order is payable to

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

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1 the support collection unit designated by the appropriate social
2 services district. Such notice shall state that full payment of all
3 arrears of support established by the order of the court to be due have
4 been paid. The licensee shall be given full opportunity to present such
5 proof of payment from the court or support collection unit at the hear-
6 ing in person or by counsel. The only issue to be determined by the
7 department as a result of the hearing is whether the arrears have been
8 paid. No evidence with respect to the appropriateness of the court
9 order or ability of the respondent party in arrears to comply with such
10 order shall be received or considered by the department.

11 (2) Upon receipt of an order from the court based on failure to comply
12 with a summons, subpoena, or warrant relating to a paternity or child
13 support proceeding, the department, if it finds such person to be so
14 licensed, shall within thirty days of receipt of such order from the
15 court, provide notice to the licensee that his or her license shall be
16 suspended within sixty days unless the conditions in subdivision four of
17 this section are met.

18 (3) Notwithstanding any inconsistent provision of this article or of
19 any other provision of law to the contrary, the license of a licensee
20 shall be suspended if at the hearing, provided for by subdivision one of
21 this section, the licensee fails to present proof of payment as
22 required by such subdivision. Such suspension shall not be lifted
23 unless the court or the support collection unit, where the court order
24 is payable to the support collection unit designated by the appropriate
25 social services district, issues notice to the department that full
26 payment of all arrears of support established by the order of the court
27 to be due have been paid.

28 (4) Notwithstanding any inconsistent provision of this article or of
29 any other provision of law to the contrary, the license of a licensee
30 shall be suspended in accordance with the provisions of subdivision two
31 of this section unless the court terminates its order to commence
32 suspension proceedings. Such suspension shall not be lifted unless the
33 court issues an order to the department terminating its order to
34 commence suspension proceedings.

35 (5) The department shall inform the court of all actions taken here-
36 under as required by law.

37 This section applies to paternity and child support proceedings
38 commenced under, and support obligations paid pursuant to any order of
39 child support or child and spousal support issued under provisions of
40 section two hundred thirty-six or two hundred forty of the domestic
41 relations law, or article four, five, five-A or five-B of the family
42 court act.

43 (6) Notwithstanding any inconsistent provision of this article or of
44 any other provision of law to the contrary, the provisions of this
45 section shall apply to the exclusion of any other requirements of this
46 article and to the exclusion of any other requirement of law to the
47 contrary.

48 (7) In the event that the department shall revoke or suspend any such
49 license, or impose any fine or reprimand on the holder thereof, its
50 determination shall be in writing and officially signed. The original of
51 such determination, when so signed, shall be filed in the office of the
52 department and copies thereof shall be served personally or by regis-
53 tered mail upon the licensee addressed to the principal place of busi-
54 ness of such licensee, and to the complainant.

55 § 2. This act shall take effect immediately.