

STATE OF NEW YORK

5138

2021-2022 Regular Sessions

IN SENATE

February 24, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to requiring trauma-informed forensic examination training for certain medical professionals

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 6508-a
2 to read as follows:

3 § 6508-a. Course work or training on trauma-informed forensic examina-
4 tions. 1. Every physician, physician assistant, registered nurse,
5 licensed practical nurse, and nurse practitioner practicing in this
6 state who provides direct medical services to patients in this state and
7 works in an emergency, obstetrics/gynecology, or pediatrics department
8 shall, on or before July first, two thousand twenty-two and every regis-
9 tration period thereafter, complete course work or training regarding
10 trauma-informed forensic examinations in the provision of medical
11 services in accordance with regulated standards promulgated by the
12 department, in consultation with the department of health. Such trauma-
13 informed forensic examinations course work or training shall require a
14 minimum three and one-half hours of course work or training encompassing
15 how to conduct a trauma-informed sexual assault forensic examination.
16 Best practice would be to complete the entire forty-hour sexual assault
17 forensic examination (SAFE) course certification. In promulgating regu-
18 latory standards pursuant to this section the department is advised to
19 consult with organizations representative of professions, institutions
20 and those with expertise in trauma-informed forensic examinations and
21 direct service providers working with survivors of sexual violence.

22 2. As used in this section, "acceptable formal continuing education"
23 shall mean formal programs of learning which contribute to professional
24 practice and which meet the standards prescribed by regulations of the

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

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1 commissioner. To fulfill the mandatory continuing education requirement,
2 programs must be taken from sponsors having the facilities, equipment,
3 and financial and physical resources to provide continuing education
4 courses, approved by the department, pursuant to the regulations of the
5 commissioner. Continuing education may be provided in an internet-based
6 course format as approved by the department.

7 3. Each such professional shall attest to the department at the time
8 of registration commencing with the first registration after July first,
9 two thousand twenty-two that the professional has completed course work
10 or training in accordance with this section.

11 4. The department shall provide an exemption from this requirement to
12 anyone who requests such an exemption and who: (i) clearly demonstrates
13 to the department's satisfaction that there would be no need for him or
14 her to complete such course work or training because of the nature of
15 his or her practice; or (ii) has completed course work or training
16 deemed by the department to be equivalent to the course work or training
17 approved by the department pursuant to this section.

18 5. At the beginning of each registration period, a mandatory continu-
19 ing education fee of five dollars shall be collected from all persons
20 required to complete the course work and training required by this
21 section; provided that any person obtaining an exemption pursuant to
22 subdivision four of this section shall not be required to pay such five
23 dollar fee. This fee shall be in addition to all other existing regis-
24 tration fees.

25 6. The commissioner is authorized to promulgate regulations to imple-
26 ment the provisions of this section. Any person subject to the
27 provisions of this section, who falsely attests to having completed the
28 required course work or training shall be subject to professional
29 misconduct as provided by subdivision twenty-one of section sixty-five
30 hundred thirty of this title and subdivision nine of section sixty-five
31 hundred nine of this title.

32 § 2. Paragraph (f) of subdivision 1 of section 2805-k of the public
33 health law, as amended by chapter 477 of the laws of 2008, is amended
34 and a new subdivision 5 is added to read as follows:

35 (f) Documentation that the physician, dentist or podiatrist has
36 completed the course work or training as mandated by section two hundred
37 thirty-nine of this chapter ~~[or]~~, section ~~[six thousand five]~~ sixty-five
38 hundred five-b of the education law or section sixty-five hundred
39 eight-a of the education law, as applicable. A hospital or facility
40 shall not grant or renew professional privileges or association to a
41 physician, dentist, or podiatrist who has not completed such course work
42 or training. A hospital or facility shall not knowingly grant or renew
43 professional privileges or association to anyone required to complete
44 required course work or training unless said person has attested to
45 having taken such required course work or training.

46 5. Prior to hiring or otherwise granting privileges to a physician
47 assistant, registered nurse, licensed practical nurse or nurse practi-
48 tioner a hospital or facility approved pursuant to this article shall
49 request from such person documentation that he or she has completed the
50 course work or training as mandated by section sixty-five hundred
51 eight-a of the education law. A hospital or facility shall not hire or
52 otherwise grant privileges to a physician assistant, registered nurse,
53 licensed practical nurse or nurse practitioner who has not completed
54 such course work or training.

55 § 3. This act shall take effect immediately.