

# STATE OF NEW YORK

9087--A

## IN ASSEMBLY

February 6, 2024

Introduced by M. of A. THIELE -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the social services law, in relation to the licensure of dietitian nutritionists and nutritionists; and to repeal certain provisions of the education law relating thereto

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

1 Section 1. Section 8000 of the education law, as added by chapter 635  
2 of the laws of 1991, is amended to read as follows:

3 § 8000. Introduction. This article applies to the [~~use of the titles~~  
4 ~~"certified dietitian" and "certified nutritionist"~~] licensing of dieti-  
5 tian nutritionists and nutritionists. A "licensed dietitian nutrition-  
6 ist" shall mean a person duly licensed under this article as meeting the  
7 requirements of subdivision two of section eight thousand four of this  
8 article to practice dietetics and nutrition, which includes the practice  
9 of medical nutrition therapy. A "licensed nutritionist" shall mean a  
10 person duly licensed under this article as meeting the requirements of  
11 subdivision one of section eight thousand four of this article to prac-  
12 tice nutrition, which includes the practice of medical nutrition  
13 therapy. The general provision for all professions contained in article  
14 one hundred thirty of this title shall apply to this article.

15 § 2. Section 8001 of the education law, as added by chapter 635 of the  
16 laws of 1991, is amended to read as follows:

17 § 8001. [~~Definitions~~] Dietetic and nutrition practice. [~~1. Dietetics~~  
18 ~~and nutrition are herein each defined as the integration and applica-~~  
19 ~~tion of principles derived from the sciences of nutrition, biochemistry,~~  
20 ~~physiology, food management and behavioral and social sciences to~~  
21 ~~achieve and maintain people's health.~~

22 ~~2. Where the title "certified dietitian" or "certified nutritionist"~~  
23 ~~is used in this article it shall mean "certified dietitian", "certified~~  
24 ~~dietician", or "certified nutritionist".~~

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

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~~3. A certified dietitian or certified nutritionist is one who engages in the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, food management and behavioral and social sciences to achieve and maintain people's health, and who is certified as such by the department pursuant to section eight thousand four of this article. The primary function of a certified dietitian or certified nutritionist is the provision of nutrition care services that shall include:~~

- ~~(a) Assessing nutrition needs and food patterns;~~
- ~~(b) Planning for and directing the provision of food appropriate for physical and nutrition needs; and~~
- ~~(c) Providing nutrition counseling.]~~

1. The practice of dietetics encompasses the practice of nutrition and includes providing advanced medical nutrition therapy and related support activities including the development and ordering of therapeutic diets via enteral and parenteral routes; conducting swallow screens; placing nasogastric or nasoenteric feeding tubes; implementing prescription drug dose adjustments under medical staff or prescriber-approved disease treatment protocols; ordering or discontinuing use of vitamin, mineral, and other dietary supplements; and developing and managing food service operations for the management or treatment of disease or medical conditions.

2. The practice of nutrition involves the provision of nutrition care services in-person or via telehealth, including medical nutrition therapy, to prevent, manage, or treat diseases or medical conditions and promote wellness. The practice of nutrition shall include the ordering of patient diets, including oral therapeutic diets; the ordering of medical laboratory tests related to nutritional therapeutic treatments; and the provision of recommendations on vitamin, mineral, and other dietary supplements.

§ 3. Section 8002 of the education law, as added by chapter 635 of the laws of 1991, is amended to read as follows:

§ 8002. Use of titles. ~~[Only a]~~ 1. No person [certified under this article shall be authorized to use the title "certified dietitian", "certified dietician", or "certified nutritionist"] may designate or hold such person out as a dietitian nutritionist or use or assume the title "dietitian nutritionist", "licensed dietitian nutritionist", "dietician", or any other title indicating that the person is a licensed dietitian nutritionist or append to or use in conjunction with that person's name the letters "LDN" or "LD" unless such person is licensed as a dietitian nutritionist under this article.

2. No person may use or assume any title indicating that the person is a licensed nutritionist or append to or use in conjunction with that person's name the letters "LN" unless the person is licensed as a nutritionist under this article.

3. No person may designate or hold such person out as a nutritionist or use or assume the title "nutritionist" unless the person is licensed under this article.

§ 4. The education law is amended by adding a new section 8002-a to read as follows:

§ 8002-a. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Medical nutrition therapy" means the provision of nutrition assessment, nutrition diagnosis, nutrition intervention, or nutrition monitoring and evaluation for the purpose of management or treatment of a disease or medical condition. Only a person licensed or otherwise

1 exempt under this article shall practice medical nutrition therapy or  
2 offer to provide such services.

3 2. "Nutrition care services" means any part or all of the following  
4 services provided within a systematic process:

5 (a) assessing and evaluating the nutritional needs of individuals and  
6 groups and determining resources and constraints in a practice setting,  
7 including ordering of nutrition-related laboratory tests to check and  
8 track nutrition status;

9 (b) identifying nutrition problems and establishing priorities, goals,  
10 and objectives that meet nutritional needs and are consistent with  
11 available resources and constraints;

12 (c) creating individualized dietary plans and issuing and implementing  
13 orders to meet nutritional needs of healthy individuals and individuals  
14 in acute and chronic disease states, including ordering therapeutic  
15 diets, and monitoring the effectiveness thereof;

16 (d) determining and providing appropriate nutrition interventions in  
17 health and disease, including nutrition counseling on food and  
18 prescription drug interactions;

19 (e) developing, implementing, and managing nutrition care systems; and  
20 (f) evaluating, making changes in, and maintaining appropriate stand-  
21 ards of quality in food and nutrition service.

22 § 5. Section 8003 of the education law, as amended by chapter 282 of  
23 the laws of 1992, is amended to read as follows:

24 § 8003. State board for dietetics and nutrition. A state board for  
25 dietetics and nutrition shall be appointed by the board of regents, on  
26 recommendation of the commissioner, for the purpose of assisting the  
27 board of regents and the department on matters of [~~certification~~] licen-  
28 sure, practice, and professional conduct in accordance with section  
29 sixty-five hundred eight of this [~~chapter~~] title.

30 [~~The~~] All members serving terms on the state board for dietetics and  
31 nutrition on the effective date of the chapter of the laws of two thou-  
32 sand twenty-four which amended this section shall continue to serve out  
33 their respective terms of office until their respective successors are  
34 appointed and qualified. Thereafter, the board shall consist of [~~not~~  
35 less than thirteen] eleven members, [~~ten~~] six of whom shall be [~~certi-~~  
36 fied dietitians or certified nutritionists, except that the members of  
37 the first board need not be certified but shall be persons who are  
38 eligible for certification under the provisions of this article prior to  
39 their appointment to the board. The first board, with respect to  
40 members representing the profession, shall consist of five members  
41 registered by a national dietetic association having registration stand-  
42 ards acceptable to the department and five members who are members of or  
43 registered by a national nutritional association having membership  
44 and/or registration standards acceptable to the department. Thereafter,  
45 members of the profession appointed to such board shall be certified  
46 pursuant to this article] licensed dietitian nutritionists and two of  
47 whom shall be licensed nutritionists pursuant to this article. To the  
48 extent reasonable, the board of regents should insure the state board is  
49 broadly representative of various professional interests within the  
50 dietetic and nutritional community. [~~Three~~] Two members shall be repre-  
51 sentatives of the general public and one member shall be a physician  
52 licensed under article one hundred thirty-one of this title. Such  
53 physician member shall not be a member of or credentialed by a national  
54 dietetic or national nutrition association. An executive secretary to  
55 the board shall be appointed by the board of regents on the recommenda-  
56 tion of the commissioner.

1 § 6. Section 8004 of the education law is REPEALED and a new section  
2 8004 is added to read as follows:

3 § 8004. Requirements for professional license. 1. Each applicant for  
4 a license as a licensed nutritionist shall: be at least twenty-one  
5 years of age; submit a completed application upon a form and in such  
6 manner as the board prescribes demonstrating the applicant is capable  
7 and professionally competent, as determined by the board, to safely  
8 engage in the practice of nutrition; submit any fees as required by the  
9 board, and submit proof of all of the following:

10 (a) Education: Have received a master's or doctoral degree in nutri-  
11 tion or a nutrition-related science leading to competence in nutrition,  
12 including medical nutrition therapy, in accordance with the commis-  
13 sioner's regulations;

14 (b) Experience: Have completed a planned, continuous, supervised prac-  
15 tice experience satisfactory to the board and in accordance with the  
16 commissioner's regulations, provided that such experience shall require  
17 demonstration of competence in nutrition, including medical nutrition  
18 therapy and involve at least one thousand hours under direct supervision  
19 in the following practice areas, with a minimum of two hundred hours in  
20 each practice area: conducting nutrition assessment; nutrition inter-  
21 vention; and nutrition monitoring and evaluation. The experience shall  
22 be determined by the board to have prepared the applicant to provide  
23 nutrition care services for various populations of diverse cultures,  
24 genders, and across the life cycle, and to be able to competently formu-  
25 late actionable medical nutrition therapies and interventions, educa-  
26 tion, counseling, and ongoing care for the prevention, modulation, and  
27 management of a range of acute and chronic medical conditions within the  
28 scope of nutrition; and

29 (c) Examination: Passage of a nutrition examination satisfactory to  
30 the board and in accordance with the commissioner's regulations.

31 2. (a) Each applicant for a license as a licensed dietitian nutrition-  
32 ist shall: be at least twenty-one years of age, submit a completed  
33 application upon a form and in such manner as the board prescribes  
34 demonstrating the applicant is capable and professionally competent, as  
35 determined by the board, to safely engage in the practice of dietetics  
36 and nutrition, submit any fees as required by the board, and submit  
37 proof of all of the following:

38 (i) Education: Have received a master's or doctoral degree and satis-  
39 factorily completed a program of study accredited by a national dietet-  
40 ics accrediting body and approved by the department in accordance with  
41 the commissioner's regulations;

42 (ii) Experience: Have completed a planned, continuous, supervised  
43 practice experience accredited by a national dietetics accrediting body,  
44 satisfactory to the board and in accordance with the commissioner's  
45 regulations, provided that such experience shall require demonstration  
46 of competence in dietetics and nutrition, including medical nutrition  
47 therapy, and consist of not less than one thousand hours under the  
48 direct supervision. The experience shall be determined by the board to  
49 have prepared the applicant to provide nutrition care services for vari-  
50 ous populations of diverse cultures, genders, and across the life cycle,  
51 and to be able to competently formulate actionable medical nutrition  
52 therapies and interventions, education, counseling, and ongoing care for  
53 the prevention, modulation, and management of a range of acute and  
54 chronic medical conditions within the scope of dietetics and nutrition;  
55 and

1 (iii) Examination: Passage of a dietitian examination satisfactory to  
2 the board and in accordance with the commissioner's regulations.

3 (b) An application for a dietitian nutritionist license submitted by  
4 individuals, who prior to January first, two thousand twenty-four held  
5 registration as a dietitian by a national dietetic commission that has  
6 registration standards acceptable to the department, and currently holds  
7 such registration, is governed by the provisions of law in effect imme-  
8 diately before the effective date of this section, and the former law is  
9 continued in effect for that purpose.

10 3. All applicants for licensure as a licensed nutritionist or licensed  
11 dietitian nutritionist shall pay a fee for an initial license, and a fee  
12 for each triennial registration period.

13 § 7. Section 8005 of the education law is REPEALED.

14 § 8. Section 8006 of the education law is REPEALED and a new section  
15 8006 is added to read as follows:

16 § 8006. Special conditions. 1. Any person who is licensed as a certi-  
17 fied dietitian or a certified nutritionist on the effective date of the  
18 chapter of the laws of two thousand twenty-four which amended this  
19 section, shall be licensed as a licensed dietitian nutritionist without  
20 meeting any additional requirements so long as they hold registration as  
21 a dietitian by a national dietetic commission that has registration  
22 standards acceptable to the department or have completed:

23 (a) a bachelor's or higher degree from a programmatically accredited  
24 didactic program approved by the department in accordance with the  
25 commissioner's regulations;

26 (b) a supervised practice experience acceptable to the board and in  
27 accordance with the commissioner's regulations, provided that such expe-  
28 rience consisted of satisfactory completion of a nationally accredited  
29 dietetic and nutrition experience approved by the department of not less  
30 than nine hundred hours; and

31 (c) passage of a dietician examination satisfactory to the board and  
32 in accordance with the commissioner's regulations.

33 2. Any person who is licensed as a certified dietitian or a certified  
34 nutritionist and does not meet the requirements provided under subdivi-  
35 sion one of this section on the effective date of the chapter of the  
36 laws of two thousand twenty-four which amend this section, shall be  
37 licensed as a licensed nutritionist without meeting any additional  
38 requirements.

39 3. Any non-exempt person practicing the professions to be licensed  
40 pursuant to this article shall apply for a license within one year of  
41 the effective date of this section.

42 § 9. The education law is amended by adding two new sections 8007 and  
43 8008 to read as follows:

44 § 8007. Exemptions. This article shall not be construed to affect or  
45 prevent:

46 1. A licensed physician from practicing such physician's profession as  
47 defined under articles one hundred thirty-one and one hundred thirty-  
48 one-B of this title; a registered professional nurse or a certified  
49 nurse practitioner practicing such nurse or nurse practitioner's profes-  
50 sion as defined under article one hundred thirty-nine of this title; a  
51 licensed physician assistant from such physician assistant's profession  
52 as defined under article one hundred thirty-one-B of this title; or  
53 qualified members of other professions licensed under this title from  
54 performing work incidental to the practice of their professions, except  
55 that such persons may not hold themselves out under the title authorized  
56 by this article.

1 2. A student, intern or resident from engaging in the practice of  
2 dietetics or nutrition while participating in the education or experi-  
3 ence requirements under section eight thousand four of this article, so  
4 long as:

5 (a) The student or trainee who is completing their supervised practice  
6 experience required under section eight thousand four of this article  
7 practices under this subdivision not more than five years after complet-  
8 ing education requirements under section eight thousand four of this  
9 article;

10 (b) The student or trainee practices under this subdivision only while  
11 supervised by a qualified supervisor as approved by the department in  
12 accordance with the commissioner's regulations;

13 (c) The student or trainee does not engage in the unrestricted prac-  
14 tice of medical nutrition therapy; and

15 (d) While practicing under this subdivision, the student or trainee  
16 uses a title that clearly indicates such student trainee's status as a  
17 student, intern, trainee, or supervisee.

18 3. A dietitian nutritionist or nutritionist who is serving in the  
19 armed forces of the United States or any other federal agency from  
20 engaging in the practice of medical nutrition therapy, or using govern-  
21 ment issued titles, provided that such practice or title use is related  
22 to service or employment, provided that such practice is related to  
23 service or employment.

24 4. A person who provides individualized nutrition recommendations for  
25 the wellness and primary prevention of chronic disease, health coaching,  
26 holistic and wellness education, guidance, motivation, behavior change  
27 management, services for non-medical weight control, or other nutrition  
28 care services so long as all of the following apply:

29 (a) The services do not constitute medical nutrition therapy;

30 (b) The person does not represent such person using titles authorized  
31 under this article; and

32 (c) The person does not hold such person out as licensed or qualified  
33 to engage in the practice of medical nutrition therapy.

34 5. A person who disseminates non-individualized, written, general  
35 nutrition information in connection with the marketing and distribution  
36 of dietary supplements, food, herbs, or food materials, including expla-  
37 nations of their federally regulated label claims, any known drug-nu-  
38 trient interactions, their role in various diets, or suggestions as how  
39 to best use and combine them so long as such information does not  
40 constitute medical nutrition therapy and the person does not use titles  
41 authorized under this article or hold such person out as qualified to  
42 engage in the practice of medical nutrition therapy.

43 6. A person who provides medical weight control for persons with  
44 obesity as part of any of the following:

45 (a) An instructional program that has been approved in writing by one  
46 of the following:

47 (i) a dietitian nutritionist or nutritionist licensed in this state;  
48 or

49 (ii) a health care practitioner licensed or certified in this state  
50 whose scope of practice includes medical nutrition therapy; or

51 (b) A plan of care that is overseen by a health professional licensed  
52 in this state whose scope of practice otherwise authorizes the health  
53 professional to provide and delegate medical nutrition therapy, so long  
54 as the medical weight control services are not discretionary and do not  
55 require the exercise of professional judgment.

1 7. An individual employed by a WIC program as a "competent profes-  
2 sional authority" as defined in 7 C.F.R § 246.2 (1895) from providing  
3 nutrition services within such WIC program. For the purpose of this  
4 subdivision the term "WIC program" shall mean a program authorized by 42  
5 U.S.C. § 1786; and

6 8. A person who does not utilize titles authorized under this article  
7 and assists the provision of medical nutrition therapy if the person  
8 performs only support activities that are not discretionary and that do  
9 not require the exercise of professional judgment for their performance,  
10 and the person is directly supervised by a nutritionist or dietitian  
11 nutritionist licensed under this title.

12 § 8008. Limited permit. 1. The department may issue a limited permit  
13 to practice as a provisionally licensed nutritionist or provisionally  
14 licensed dietitian nutritionist to an applicant for licensure who has  
15 met the education and experience requirements for a licensed nutrition-  
16 ist or licensed dietitian nutritionist provided under section eight  
17 thousand four of this article.

18 2. The duration of a limited permit shall not exceed one year from the  
19 time of its first issue and the department may for good cause renew a  
20 limited permit for an additional one year provided that no individual  
21 shall practice under any limited permit for more than a total of two  
22 years.

23 3. All practice under a limited permit shall be under the supervision  
24 of individuals licensed pursuant to this article.

25 4. The fee for a limited permit or the renewal thereof shall be seven-  
26 ty-five dollars.

27 § 10. Subparagraph (i) of paragraph a of subdivision 1 of section  
28 6503-a of the education law, as amended by chapter 554 of the laws of  
29 2013, is amended to read as follows:

30 (i) services provided under article one hundred fifty-four, one  
31 hundred fifty-seven, one hundred sixty-three or one hundred sixty-seven  
32 of this title for which licensure would be required, or

33 § 11. Section 6505-b of the education law, as amended by chapter 10 of  
34 the laws of 2018, is amended to read as follows:

35 § 6505-b. Course work or training in infection control practices.  
36 Every dentist, registered nurse, licensed practical nurse, podiatrist,  
37 optometrist ~~and~~, dental hygienist, licensed nutritionist, and licensed  
38 dietitian nutritionist practicing in the state shall, on or before July  
39 first, nineteen hundred ninety-four and every four years thereafter,  
40 complete course work or training appropriate to the professional's prac-  
41 tice approved by the department regarding infection control, which shall  
42 include sepsis, and barrier precautions, including engineering and work  
43 practice controls, in accordance with regulatory standards promulgated  
44 by the department, in consultation with the department of health, which  
45 shall be consistent, as far as appropriate, with such standards adopted  
46 by the department of health pursuant to section two hundred thirty-nine  
47 of the public health law to prevent the transmission of HIV, HBV, HCV  
48 and infections that could lead to sepsis in the course of professional  
49 practice. Each such professional shall document to the department at the  
50 time of registration commencing with the first registration after July  
51 first, nineteen hundred ninety-four that the professional has completed  
52 course work or training in accordance with this section, provided,  
53 however that a professional subject to the provisions of paragraph (f)  
54 of subdivision one of section twenty-eight hundred five-k of the public  
55 health law shall not be required to so document. The department shall  
56 provide an exemption from this requirement to anyone who requests such

1 an exemption and who (i) clearly demonstrates to the department's satis-  
2 faction that there would be no need for [~~him or her~~] such dentist,  
3 registered nurse, licensed practical nurse, podiatrist, optometrist,  
4 dental hygienist, licensed nutritionist, and licensed dietitian nutri-  
5 tionist to complete such course work or training because of the nature  
6 of [~~his or her~~] such dentist, registered nurse, licensed practical  
7 nurse, podiatrist, optometrist, dental hygienist, licensed nutritionist,  
8 and licensed dietitian nutritionist practice or (ii) that [~~he or she~~]  
9 such dentist, registered nurse, licensed practical nurse, podiatrist,  
10 optometrist, dental hygienist, licensed nutritionist, and licensed  
11 dietitian nutritionist has completed course work or training deemed by  
12 the department to be equivalent to the course work or training approved  
13 by the department pursuant to this section. The department shall consult  
14 with organizations representative of professions, institutions and those  
15 with expertise in infection control and HIV, HBV, HCV and infections  
16 that could lead to sepsis with respect to the regulatory standards  
17 promulgated pursuant to this section.

18 § 11-a. Section 6505-b of the education law, as amended by chapter 733  
19 of the laws of 2023, is amended to read as follows:

20 § 6505-b. Course work or training in infection control practices.  
21 Every dentist, registered nurse, licensed practical nurse, podiatrist,  
22 optometrist, athletic trainer, [~~and~~] dental hygienist, and licensed  
23 nutritionist, and licensed dietitian nutritionist practicing in the  
24 state shall, on or before July first, nineteen hundred ninety-four and  
25 every four years thereafter, complete course work or training appropri-  
26 ate to the professional's practice approved by the department regarding  
27 infection control, which shall include sepsis, and barrier precautions,  
28 including engineering and work practice controls, in accordance with  
29 regulatory standards promulgated by the department, in consultation with  
30 the department of health, which shall be consistent, as far as appropri-  
31 ate, with such standards adopted by the department of health pursuant to  
32 section two hundred thirty-nine of the public health law to prevent the  
33 transmission of HIV, HBV, HCV and infections that could lead to sepsis  
34 in the course of professional practice. Each such professional shall  
35 document to the department at the time of registration commencing with  
36 the first registration after July first, nineteen hundred ninety-four  
37 that the professional has completed course work or training in accord-  
38 ance with this section, provided, however that a professional subject to  
39 the provisions of paragraph (f) of subdivision one of section twenty-  
40 eight hundred five-k of the public health law shall not be required to  
41 so document. The department shall provide an exemption from this  
42 requirement to anyone who requests such an exemption and who (i) clearly  
43 demonstrates to the department's satisfaction that there would be no  
44 need for [~~him or her~~] such dentist, registered nurse, licensed practical  
45 nurse, podiatrist, optometrist, dental hygienist, licensed nutritionist,  
46 and licensed dietitian nutritionist to complete such course work or  
47 training because of the nature of [~~his or her~~] such dentist, registered  
48 nurse, licensed practical nurse, podiatrist, optometrist, dental hygien-  
49 ist, licensed nutritionist, and licensed dietitian nutritionist practice  
50 or (ii) that [~~he or she~~] such dentist, registered nurse, licensed prac-  
51 tical nurse, podiatrist, optometrist, dental hygienist, licensed nutri-  
52 tionist, and licensed dietitian nutritionist has completed course work  
53 or training deemed by the department to be equivalent to the course work  
54 or training approved by the department pursuant to this section. The  
55 department shall consult with organizations representative of  
56 professions, institutions and those with expertise in infection control

1 and HIV, HBV, HCV and infections that could lead to sepsis with respect  
2 to the regulatory standards promulgated pursuant to this section.

3 § 12. Paragraph a of subdivision 3 of section 6507 of the education  
4 law, as amended by chapter 479 of the laws of 2022, is amended to read  
5 as follows:

6 a. Establish standards for preprofessional and professional education,  
7 experience and licensing examinations as required to implement the arti-  
8 cle for each profession. Notwithstanding any other provision of law, the  
9 commissioner shall establish standards requiring that all persons apply-  
10 ing, on or after January first, nineteen hundred ninety-one, initially,  
11 or for the renewal of, a license, registration or limited permit to be a  
12 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
13 trist, psychiatrist, psychologist, licensed master social worker,  
14 licensed clinical social worker, licensed creative arts therapist,  
15 licensed marriage and family therapist, licensed mental health counse-  
16 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
17 analyst, ~~[or]~~ certified behavior analyst assistant, licensed nutrition-  
18 ist or licensed dietitian nutritionist shall, in addition to all the  
19 other licensure, certification or permit requirements, have completed  
20 two hours of coursework or training regarding the identification and  
21 reporting of child abuse and maltreatment. The coursework or training  
22 shall be obtained from an institution or provider which has been  
23 approved by the department to provide such coursework or training. The  
24 coursework or training shall include information regarding the physical  
25 and behavioral indicators of child abuse and maltreatment and the statu-  
26 tory reporting requirements set out in sections four hundred thirteen  
27 through four hundred twenty of the social services law, including but  
28 not limited to, when and how a report must be made, what other actions  
29 the reporter is mandated or authorized to take, the legal protections  
30 afforded reporters, and the consequences for failing to report. Such  
31 coursework or training may also include information regarding the phys-  
32 ical and behavioral indicators of the abuse of individuals with develop-  
33 mental disabilities and voluntary reporting of abused or neglected  
34 adults to the office for people with developmental disabilities or the  
35 local adult protective services unit. Each applicant shall provide the  
36 department with documentation showing that ~~[he or she]~~ such applicant  
37 has completed the required training. The department shall provide an  
38 exemption from the child abuse and maltreatment training requirements to  
39 any applicant who requests such an exemption and who shows, to the  
40 department's satisfaction, that there would be no need because of the  
41 nature of ~~[his or her]~~ such applicant's practice for ~~[him or her]~~ such  
42 applicant to complete such training;

43 § 12-a. Paragraph a of subdivision 3 of section 6507 of the education  
44 law, as amended by chapter 733 of the laws of 2023, is amended to read  
45 as follows:

46 a. Establish standards for preprofessional and professional education,  
47 experience and licensing examinations as required to implement the arti-  
48 cle for each profession. Notwithstanding any other provision of law, the  
49 commissioner shall establish standards requiring that all persons apply-  
50 ing, on or after January first, nineteen hundred ninety-one, initially,  
51 or for the renewal of, a license, registration or limited permit to be a  
52 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
53 trist, psychiatrist, psychologist, licensed master social worker,  
54 licensed clinical social worker, licensed creative arts therapist,  
55 licensed marriage and family therapist, licensed mental health counse-  
56 lor, licensed psychoanalyst, dental hygienist, licensed behavior

1 analyst, certified behavior analyst assistant, licensed nutritionist,  
2 licensed dietitian nutritionist, or athletic trainer shall, in addition  
3 to all the other licensure, certification or permit requirements, have  
4 completed two hours of coursework or training regarding the identifica-  
5 tion and reporting of child abuse and maltreatment. The coursework or  
6 training shall be obtained from an institution or provider which has  
7 been approved by the department to provide such coursework or training.  
8 The coursework or training shall include information regarding the phys-  
9 ical and behavioral indicators of child abuse and maltreatment and the  
10 statutory reporting requirements set out in sections four hundred thir-  
11 teen through four hundred twenty of the social services law, including  
12 but not limited to, when and how a report must be made, what other  
13 actions the reporter is mandated or authorized to take, the legal  
14 protections afforded reporters, and the consequences for failing to  
15 report. Such coursework or training may also include information regard-  
16 ing the physical and behavioral indicators of the abuse of individuals  
17 with developmental disabilities and voluntary reporting of abused or  
18 neglected adults to the office for people with developmental disabili-  
19 ties or the local adult protective services unit. Each applicant shall  
20 provide the department with documentation showing that [~~he or she~~] such  
21 applicant has completed the required training. The department shall  
22 provide an exemption from the child abuse and maltreatment training  
23 requirements to any applicant who requests such an exemption and who  
24 shows, to the department's satisfaction, that there would be no need  
25 because of the nature of [~~his or her~~] such applicant's practice for [~~him~~  
26 ~~or her~~] such applicant to complete such training;

27 § 13. Paragraph (a) of subdivision 1 of section 413 of the social  
28 services law, as amended by section 7 of part C of chapter 57 of the  
29 laws of 2018, is amended to read as follows:

30 (a) The following persons and officials are required to report or  
31 cause a report to be made in accordance with this title when they have  
32 reasonable cause to suspect that a child coming before them in their  
33 professional or official capacity is an abused or maltreated child, or  
34 when they have reasonable cause to suspect that a child is an abused or  
35 maltreated child where the parent, guardian, custodian or other person  
36 legally responsible for such child comes before them in their profes-  
37 sional or official capacity and states from personal knowledge facts,  
38 conditions or circumstances which, if correct, would render the child an  
39 abused or maltreated child: any physician; registered physician assist-  
40 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
41 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
42 psychologist; registered nurse; social worker; emergency medical techni-  
43 cian; licensed creative arts therapist; licensed marriage and family  
44 therapist; licensed mental health counselor; licensed psychoanalyst;  
45 licensed behavior analyst; certified behavior analyst assistant;  
46 licensed nutritionist; licensed dietitian nutritionist; hospital person-  
47 nel engaged in the admission, examination, care or treatment of persons;  
48 a Christian Science practitioner; school official, which includes but is  
49 not limited to school teacher, school guidance counselor, school  
50 psychologist, school social worker, school nurse, school administrator  
51 or other school personnel required to hold a teaching or administrative  
52 license or certificate; full or part-time compensated school employee  
53 required to hold a temporary coaching license or professional coaching  
54 certificate; social services worker; employee of a publicly-funded emer-  
55 gency shelter for families with children; director of a children's over-  
56 night camp, summer day camp or traveling summer day camp, as such camps

1 are defined in section thirteen hundred ninety-two of the public health  
2 law; day care center worker; school-age child care worker; provider of  
3 family or group family day care; employee or volunteer in a residential  
4 care facility for children that is licensed, certified or operated by  
5 the office of children and family services; or any other child care or  
6 foster care worker; mental health professional; substance abuse counse-  
7 lor; alcoholism counselor; all persons credentialed by the office of  
8 alcoholism and substance abuse services; employees, who are expected to  
9 have regular and substantial contact with children, of a health home or  
10 health home care management agency contracting with a health home as  
11 designated by the department of health and authorized under section  
12 three hundred sixty-five-1 of this chapter or such employees who provide  
13 home and community based services under a demonstration program pursuant  
14 to section eleven hundred fifteen of the federal social security act who  
15 are expected to have regular and substantial contact with children;  
16 peace officer; police officer; district attorney or assistant district  
17 attorney; investigator employed in the office of a district attorney; or  
18 other law enforcement official.

19 § 13-a. Paragraph (a) of subdivision 1 of section 413 of the social  
20 services law, as amended by chapter 733 of the laws of 2023, is amended  
21 to read as follows:

22 (a) The following persons and officials are required to report or  
23 cause a report to be made in accordance with this title when they have  
24 reasonable cause to suspect that a child coming before them in their  
25 professional or official capacity is an abused or maltreated child, or  
26 when they have reasonable cause to suspect that a child is an abused or  
27 maltreated child where the parent, guardian, custodian or other person  
28 legally responsible for such child comes before them in their profes-  
29 sional or official capacity and states from personal knowledge facts,  
30 conditions or circumstances which, if correct, would render the child an  
31 abused or maltreated child: any physician; registered physician assist-  
32 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
33 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
34 athletic trainer; psychologist; registered nurse; social worker; emer-  
35 gency medical technician; licensed creative arts therapist; licensed  
36 marriage and family therapist; licensed mental health counselor;  
37 licensed psychoanalyst; licensed behavior analyst; certified behavior  
38 analyst assistant; licensed nutritionist; licensed dietitian nutrition-  
39 ist; hospital personnel engaged in the admission, examination, care or  
40 treatment of persons; a Christian Science practitioner; school official,  
41 which includes but is not limited to school teacher, school guidance  
42 counselor, school psychologist, school social worker, school nurse,  
43 school administrator or other school personnel required to hold a teach-  
44 ing or administrative license or certificate; full or part-time compen-  
45 sated school employee required to hold a temporary coaching license or  
46 professional coaching certificate; social services worker; employee of a  
47 publicly-funded emergency shelter for families with children; director  
48 of a children's overnight camp, summer day camp or traveling summer day  
49 camp, as such camps are defined in section thirteen hundred ninety-two  
50 of the public health law; day care center worker; school-age child care  
51 worker; provider of family or group family day care; employee or volun-  
52 teer in a residential care facility for children that is licensed,  
53 certified or operated by the office of children and family services; or  
54 any other child care or foster care worker; mental health professional;  
55 substance abuse counselor; alcoholism counselor; all persons creden-  
56 tialed by the office of [~~alcoholism and substance abuse services~~]

1 addiction services and supports; employees, who are expected to have  
2 regular and substantial contact with children, of a health home or  
3 health home care management agency contracting with a health home as  
4 designated by the department of health and authorized under section  
5 three hundred sixty-five-1 of this chapter or such employees who provide  
6 home and community based services under a demonstration program pursuant  
7 to section eleven hundred fifteen of the federal social security act who  
8 are expected to have regular and substantial contact with children;  
9 peace officer; police officer; district attorney or assistant district  
10 attorney; investigator employed in the office of a district attorney; or  
11 other law enforcement official.

12 § 14. Subdivision 5-a of section 488 of the social services law, as  
13 amended by chapter 205 of the laws of 2014, is amended to read as  
14 follows:

15 5-a. "Human services professional" shall mean any: physician; regis-  
16 tered physician assistant; surgeon; medical examiner; coroner; dentist;  
17 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;  
18 resident; intern; psychologist; registered nurse; licensed practical  
19 nurse; nurse practitioner; social worker; emergency medical technician;  
20 licensed creative arts therapist; licensed marriage and family thera-  
21 pist; licensed mental health counselor; licensed psychoanalyst; licensed  
22 behavior analyst; certified behavior analyst assistant; licensed  
23 speech/language pathologist or audiologist; licensed physical therapist;  
24 licensed occupational therapist; licensed nutritionist; licensed dieti-  
25 tian nutritionist; hospital personnel engaged in the admission, examina-  
26 tion, care or treatment of persons; Christian Science practitioner;  
27 school official, which includes but is not limited to school teacher,  
28 school guidance counselor, school psychologist, school social worker,  
29 school nurse, school administrator or other school personnel required to  
30 hold a teaching or administrative license or certificate; full or part-  
31 time compensated school employee required to hold a temporary coaching  
32 license or professional coaching certificate; social services worker;  
33 any other child care or foster care worker; mental health professional;  
34 person credentialed by the office of alcoholism and substance abuse  
35 services; peace officer; police officer; district attorney or assistant  
36 district attorney; investigator employed in the office of a district  
37 attorney; or other law enforcement official.

38 § 15. This act shall take effect eighteen months after it shall have  
39 become a law; provided, however, that the provisions of sections  
40 eleven-a, twelve-a and thirteen-a of this act shall take effect on the  
41 same date and in the same manner as chapter 733 of the laws of 2023  
42 takes effect. Effective immediately, the addition, amendment and/or  
43 repeal of any rule or regulation necessary for the implementation of  
44 this act on its effective date are authorized to be made and completed  
45 on or before such effective date.