

STATE OF NEW YORK

272

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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-four and every
9 registration period thereafter, complete course work or training regard-
10 ing 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

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

LBD02222-01-3

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

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

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

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

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

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

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

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

56 § 3. This act shall take effect immediately.