

3808

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. GABRYSZAK, ALFANO, CLARK, ERRIGO, HYER-SPENCER, MILLMAN, PAULIN, ROBINSON -- Multi-Sponsored by -- M. of A. BARRA, BOYLAND, COOK, GREENE, HOOPER, PEOPLES, PHEFFER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to domestic violence course work or training

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 6505-d
2 to read as follows:
3 S 6505-D. DOMESTIC VIOLENCE COURSE WORK OR TRAINING. EVERY REGISTERED
4 NURSE AND LICENSED PRACTICAL NURSE PRACTICING IN THIS STATE SHALL, ON OR
5 BEFORE JANUARY FIRST, TWO THOUSAND ELEVEN AND EVERY FOUR YEARS THEREAFT-
6 ER, COMPLETE COURSE WORK OR TRAINING APPROPRIATE TO THE PROFESSIONAL'S
7 PRACTICE APPROVED BY THE DEPARTMENT REGARDING DIAGNOSIS, TREATMENT, AND
8 DOCUMENTATION OF DOMESTIC VIOLENCE, IN ACCORDANCE WITH REGULATORY STAND-
9 ARDS PROMULGATED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT
10 OF HEALTH AND THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE. EACH
11 SUCH PROFESSIONAL SHALL DOCUMENT TO THE DEPARTMENT AT THE TIME OF REGIS-
12 TRATION COMMENCING WITH THE FIRST REGISTRATION AFTER JANUARY FIRST, TWO
13 THOUSAND ELEVEN THAT THE PROFESSIONAL HAS COMPLETED COURSE WORK OR
14 TRAINING IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL PROVIDE
15 AN EXEMPTION FROM THIS REQUIREMENT TO ANYONE WHO REQUESTS SUCH AN
16 EXEMPTION AND WHO (I) CLEARLY DEMONSTRATES TO THE DEPARTMENT'S SATISFAC-
17 TION THAT THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE
18 WORK OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE OR (II)
19 HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE
20 EQUIVALENT TO THE COURSE WORK OR TRAINING APPROVED BY THE DEPARTMENT
21 PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL CONSULT WITH ORGANIZA-
22 TIONS REPRESENTATIVE OF PROFESSIONS, INSTITUTIONS AND THOSE WITH EXPER-

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

LBD05204-01-9

1 TISE IN DOMESTIC VIOLENCE WITH RESPECT TO THE REGULATORY STANDARDS
2 PROMULGATED PURSUANT TO THIS SECTION.

3 S 2. The title heading of title 2-E of article 2 of the public health
4 law, as amended by chapter 477 of the laws of 2008, is amended to read
5 as follows:

6 HIV/HBV/HCV PREVENTION TRAINING;

7 DOMESTIC VIOLENCE COURSE WORK OR TRAINING

8 S 3. The public health law is amended by adding a new section 239-c to
9 read as follows:

10 S 239-C. DOMESTIC VIOLENCE COURSE WORK OR TRAINING. EVERY PHYSICIAN,
11 PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT PRACTICING IN THE STATE
12 SHALL, ON OR BEFORE JANUARY FIRST, TWO THOUSAND ELEVEN AND EVERY FOUR
13 YEARS THEREAFTER, (A) COMPLETE COURSE WORK OR TRAINING, APPROPRIATE TO
14 THE PROFESSIONAL'S PRACTICE, APPROVED BY THE DEPARTMENT REGARDING DIAG-
15 NOSIS, TREATMENT, AND DOCUMENTATION OF DOMESTIC VIOLENCE, IN ACCORDANCE
16 WITH REGULATORY STANDARDS PROMULGATED BY THE DEPARTMENT IN CONSULTATION
17 WITH THE DEPARTMENT OF EDUCATION AND THE OFFICE FOR THE PREVENTION OF
18 DOMESTIC VIOLENCE AND (B) SO DOCUMENT TO THE DEPARTMENT. THE DEPARTMENT
19 SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO ANYONE WHO REQUESTS
20 SUCH AN EXEMPTION AND WHO (I) CLEARLY DEMONSTRATES TO THE DEPARTMENT'S
21 SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH
22 COURSE WORK OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE OR
23 (II) THAT HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE
24 DEPARTMENT TO BE EQUIVALENT TO THE COURSE WORK OR TRAINING APPROVED BY
25 THE DEPARTMENT PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL CONSULT
26 WITH ORGANIZATIONS REPRESENTATIVE OF PROFESSIONS, INSTITUTIONS AND THOSE
27 WITH EXPERTISE IN DOMESTIC VIOLENCE WITH RESPECT TO THE REGULATORY STAN-
28 DARDS PROMULGATED PURSUANT TO THIS SECTION.

29 S 4. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law and provided further that the commissioners
31 of health and education may immediately take such steps as are necessary
32 for implementation of this act on such effective date.