S T A T E O F N E W Y O R K

805

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, GUNTHER, GALEF, CLARK, EDDINGTON, HYER-SPENCER, LIFTON, LUPARDO, REILLY, SCHROEDER, N. RIVERA, JAFFEE -- Multi-Sponsored by -- M. of A. BOYLAND, V. LOPEZ, PHEFFER, SWEENEY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a forensic fellowship program to provide education and training in child abuse pediatrics

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2807-z to read as follows:

S 2807-Z. CHILD ABUSE PEDIATRICS EDUCATION AND TRAINING. 1. DEFINITIONS. THE FOLLOWING WORDS OR PHRASES AS USED IN THIS SECTION SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CHILD ABUSE PEDIATRICS" SHALL MEAN THE SUBSPECIALTY IN THE FIELD OF PEDIATRICS AS DEFINED BY THE AMERICAN BOARD OF PEDIATRICS OR THE AMERICAN OSTEOPATHIC BOARD OF PEDIATRICS. SPECIFICALLY, THIS FIELD INVOLVES MEDICAL SPECIALISTS WHO ASSESS, DOCUMENT, MANAGE, AND TREAT THE MEDICAL COMPONENT OF CHILD ABUSE AND NEGLECT, INCLUDING BUT NOT LIMITED TO (I) PHYSICAL EXAMINATION AND EVALUATION OF SUSPECTED CHILD ABUSE VICTIMS, INCLUDING EVALUATION OF FAILURE-TO-THRIVE, NEGLECT AND MEDICAL NEGLECT, (II) FORENSIC INTERVIEWING OF SUSPECTED VICTIMS OF CHILD ABUSE AND NEGLECT BEYOND THE TAKING OF MEDICAL HISTORY, AND OF SUSPECTED ABUSE PERPETRATORS, (III) COLLECTION AND MAINTENANCE OF FORENSIC EVIDENCE, (IV) INTERPRETATION OF CLINICAL MEDICAL DATA, (V) DOCUMENTATION, INCLUDING PHOTODOCUMENTATION, OF FINDINGS AND INJURIES, (VI) CONSULTATION WITH MEDICAL PROFESSIONALS HAVING CARED FOR SUSPECTED CHILD ABUSE VICTIMS, (VII) MEETING WITH LAW ENFORCEMENT, CHILD PROTECTION PERSONNEL, COMMUNITY AGENCIES AND MULTIDISCIPLINARY TEAMS, (VIII) KNOWLEDGE OF CIVIL AND CRIMINAL LAWS INVOLVING ABUSED AND NEGLECTED CHILDREN AND OF COURT

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

LBD01611-01-9

PROCEDURES IN CIVIL AND CRIMINAL CASES, (IX) PROVIDING EXPERT WITNESS TESTIMONY IN COURT PROCEEDINGS, (X) MANAGEMENT OF SEXUALLY TRANSMITTED DISEASES AND LONG-TERM MANAGEMENT AND NUTRITIONAL SUPPORT OF CHILDREN WITH FAILURE TO THRIVE, AND (XI) ADVOCACY OF METHODS AND APPROACHES FOR PREVENTING CHILD ABUSE AND NEGLECT, IN ACCORDANCE WITH THE GUIDELINES OF THE AMERICAN BOARD OF PEDIATRICS.

(B) "NEW YORK STATE CHILD ABUSE PEDIATRICS EDUCATION AND TRAINING COUNCIL" OR "COUNCIL" SHALL MEAN THE NEW YORK STATE CHILD ABUSE PEDIATRICS EDUCATION AND TRAINING COUNCIL ESTABLISHED PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

2. GRANTS FOR GRADUATE MEDICAL EDUCATION IN CHILD ABUSE PEDIATRICS. (A) THE COMMISSIONER IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED FOR SUCH PURPOSE, TO MAKE GRANTS IN SUPPORT OF CHILD ABUSE PEDIATRICS CERTIFIED FELLOWSHIP EDUCATION PROGRAMS TO ESTABLISH OR EXPAND EDUCATION IN CHILD ABUSE PEDIATRICS FOR GRADUATE MEDICAL EDUCATION, AND TO INCREASE THE OPPORTUNITIES FOR TRAINEE EDUCATION IN CHILD ADVOCACY CENTERS, HOSPITALS OR MULTIDISCIPLINARY TEAMS.

(B) GRANTS UNDER THIS SUBDIVISION FOR GRADUATE MEDICAL EDUCATION IN CHILD ABUSE PEDIATRICS MAY BE USED FOR ADMINISTRATION, FACULTY RECRUITMENT AND DEVELOPMENT, START-UP COSTS AND COSTS INCURRED IN PROVIDING TRAINING IN CHILD ABUSE PEDIATRICS CERTIFIED FELLOWSHIP PROGRAMS, INCLUDING, BUT NOT LIMITED TO, PERSONNEL, ADMINISTRATION AND TRAINEE RELATED EXPENSES AND OTHER EXPENSES JUDGED REASONABLE AND NECESSARY BY THE COMMISSIONER.

(C) GRANTS UNDER THIS SUBDIVISION SHALL BE AWARDED BY THE COMMISSIONER THROUGH A COMPETITIVE APPLICATION PROCESS TO THE COUNCIL. THE COUNCIL SHALL MAKE RECOMMENDATIONS FOR FUNDING TO THE COMMISSIONER. IN MAKING AWARDS, THE COMMISSIONER SHALL CONSIDER THE EXTENT TO WHICH THE APPLICANT:

(I) PLANS TO INCORPORATE CHILD ABUSE PEDIATRICS LONGITUDINALLY THROUGHOUT THE FELLOWSHIP TRAINING PROGRAM ACCORDING TO PROFESSIONALLY RECOGNIZED STANDARDS;

(II) FUNCTIONS IN COLLABORATION WITH CHILD ADVOCACY CENTERS, HOSPITALS OR MULTIDISCIPLINARY TEAMS; AND

(III) MAKES COMPLEMENTARY EFFORTS TO RECRUIT OR TRAIN QUALIFIED FACULTY IN CHILD ABUSE PEDIATRICS FELLOWSHIP EDUCATION.

(D) THE INTENT OF THIS SUBDIVISION IS TO AUGMENT OR INCREASE TRAINING IN CHILD ABUSE PEDIATRICS FOLLOWING RESIDENCY. GRANT FUNDING SHALL NOT BE USED TO OFFSET EXISTING EXPENDITURES THE INSTITUTION OR PROGRAM HAS OBLIGATED OR INTENDS TO OBLIGATE FOR SUCH TRAINING PROGRAMS.

(E) THE COMMISSIONER SHALL RECOMMEND THE APPROPRIATE LEVEL AND SOURCE OF FUNDING FOR GRANTS FOR GRADUATE MEDICAL EDUCATION IN CHILD ABUSE PEDIATRICS UNDER THIS SECTION AND SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE, ON OR BEFORE DECEMBER FIRST, TWO THOUSAND NINE, CONTAINING SUCH RECOMMENDATIONS.

3. NEW YORK STATE CHILD ABUSE PEDIATRICS EDUCATION AND TRAINING COUNCIL. (A) THE NEW YORK STATE CHILD ABUSE PEDIATRICS EDUCATION AND TRAINING COUNCIL IS ESTABLISHED IN THE DEPARTMENT AS AN EXPERT PANEL IN CHILD ABUSE PEDIATRICS EDUCATION AND TRAINING. ITS MEMBERS SHALL BE APPOINTED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, SHALL SEEK RECOMMENDATIONS FOR APPOINTMENTS TO SUCH COUNCIL FROM NEW YORK STATE-BASED HEALTH CARE PROFESSIONAL, MEDICAL INSTITUTIONAL AND MEDICAL EDUCATIONAL LEADERS. THESE RECOMMENDATIONS WILL BE MADE BY THE CHILD ABUSE MEDICAL PROVIDERS NETWORK PROGRAM. MEMBERS OF THE COUNCIL SHALL INCLUDE: FIVE REPRESENTATIVES OF MEDICAL SCHOOLS, SCHOOLS OF

OSTEOPATHIC MEDICINE AND HOSPITAL ORGANIZATIONS; THREE REPRESENTATIVES OF MEDICAL SPECIALTIES; TWO CHILD ADVOCATES; INDIVIDUAL REPRESENTATIVES OF AN ORGANIZATION BROADLY REPRESENTATIVE OF PEDIATRICIANS, INTERNAL MEDICINE, FAMILY PHYSICIANS, NEUROLOGISTS, PSYCHIATRISTS AND ORTHOPEDISTS; AND THE EXECUTIVE DIRECTOR OR A MEMBER OF THE CHILDREN'S JUSTICE TASK FORCE AND OF THE NEW YORK STATE COUNCIL ON GRADUATE MEDICAL EDUCATION. MEMBERS SHALL SERVE A TERM OF THREE YEARS WITH RENEWABLE TERMS. MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED ACTUAL AND NECESSARY EXPENSES IN THE PERFORMANCE OF THEIR DUTIES.

(B) A CHAIRPERSON AND VICE-CHAIRPERSON OF THE COUNCIL SHALL BE ELECTED ANNUALLY BY THE COUNCIL. THE COUNCIL SHALL MEET UPON THE CALL OF THE CHAIRPERSON, AND MAY ADOPT BYLAWS CONSISTENT WITH THIS SECTION.

(C) THE COMMISSIONER SHALL DESIGNATE SUCH EMPLOYEES AND PROVIDE OTHER RESOURCES OF THE DEPARTMENT AS ARE REASONABLY NECESSARY TO PROVIDE SUPPORT SERVICES TO THE COUNCIL. THE COUNCIL, ACTING BY THE CHAIR OF THE COUNCIL, MAY EMPLOY ADDITIONAL STAFF AND CONSULTANTS AND INCUR OTHER EXPENSES TO CARRY OUT ITS DUTIES, TO BE PAID FROM AMOUNTS WHICH MAY BE MADE AVAILABLE TO THE COUNCIL FOR THAT PURPOSE.

(D) THE COUNCIL MAY PROVIDE INFORMATION AND GUIDANCE FOR PRACTITIONERS ON THE LATEST CHILD ABUSE PEDIATRICS APPROACHES AND STRATEGIES.

4. REPORTS. THE COMMISSIONER, IN CONJUNCTION WITH THE COUNCIL, SHALL PREPARE AND SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE, ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND THIRTEEN REPORTING THE RESULTS AND EVALUATING THE EFFECTIVENESS OF THIS SECTION.

S 2. This act shall take effect immediately.