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

3981

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. OPPENHEIMER -- 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 domestic violence course work or training

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

Section 1. The education law is amended by adding a new section 6505-d to read as follows:

S 6505-D. DOMESTIC VIOLENCE COURSE WORK OR TRAINING. EVERY REGISTERED NURSE AND LICENSED PRACTICAL NURSE PRACTICING IN THIS STATE SHALL, ON OR BEFORE JANUARY FIRST, TWO THOUSAND ELEVEN AND EVERY FOUR YEARS THEREAFTER, COMPLETE COURSE WORK OR TRAINING APPROPRIATE TO THE PROFESSIONAL'S PRACTICE APPROVED BY THE DEPARTMENT REGARDING DIAGNOSIS, TREATMENT, AND DOCUMENTATION OF DOMESTIC VIOLENCE, IN ACCORDANCE WITH REGULATORY STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE. EACH SUCH PROFESSIONAL SHALL DOCUMENT TO THE DEPARTMENT AT THE TIME OF REGISTRATION COMMENCING WITH THE FIRST REGISTRATION AFTER JANUARY FIRST, TWO THOUSAND ELEVEN THAT THE PROFESSIONAL HAS COMPLETED COURSE WORK OR TRAINING IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO (I) CLEARLY DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE OR (II) HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE COURSE WORK OR TRAINING APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF PROFESSIONS, INSTITUTIONS AND THOSE WITH EXPERTISE IN DOMESTIC VIOLENCE WITH RESPECT TO THE REGULATORY STANDARDS PROMULGATED PURSUANT TO THIS SECTION.

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

LBD05204-01-9

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

HIV/HBV/HCV PREVENTION TRAINING;
DOMESTIC VIOLENCE COURSE WORK OR TRAINING

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

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

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