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

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I N A S S E M B L Y

May 29, 2012

Introduced by M. of A. ORTIZ, WEISENBERG, MONTESANO, McLAUGHLIN, CASTRO, McKEVITT, GIBSON, ROSENTHAL, MARKEY, GRAF, SWEENEY, MURRAY, ROBERTS, ZEBROWSKI, CROUCH, GUNTHER, ARROYO, CLARK -- Multi-Sponsored by -- M. of A. CALHOUN, P. RIVERA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring the office of professional discipline to report complaints of sexual misconduct made by certain professionals to law enforcement

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 6510-f to read as follows:

S 6510-F. COMPLAINTS OF SEXUAL MISCONDUCT WITH PATIENT; REPORT TO LAW ENFORCEMENT. THE OFFICE OF PROFESSIONAL DISCIPLINE SHALL, UPON RECEIPT OF ANY COMPLAINT MADE BY A PERSON AGAINST A PERSON LICENSED TO PRACTICE PSYCHOLOGY PURSUANT TO ARTICLE ONE HUNDRED FIFTY-THREE OF THIS TITLE, LICENSED TO PRACTICE SOCIAL WORK PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FOUR OF THIS TITLE OR LICENSED TO PRACTICE MENTAL HEALTH COUNSELING PURSUANT TO ARTICLE ONE HUNDRED SIXTY-THREE OF THIS TITLE, REPORT THE NATURE AND CONTENT OF SUCH COMPLAINT TO THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN THE MUNICIPALITY WHEREIN THE ACTS OR BEHAVIOR THAT FORM THE BASIS OF SUCH COMPLAINT OCCURRED AND THE SUPERINTENDENT OF STATE POLICE, IF SUCH COMPLAINT ALLEGES THAT SUCH PERSON LICENSED TO PRACTICE PSYCHOLOGY, LICENSED TO PRACTICE SOCIAL WORK OR LICENSED TO PRACTICE MENTAL HEALTH COUNSELING, ENGAGED IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT OR SEXUAL CONTACT, AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF THE PENAL LAW, WITH A PATIENT. SUCH REPORT SHALL BE MADE WITHIN TWENTY-FOUR HOURS AFTER IT IS RECEIVED BY SUCH OFFICE.

S 2. This act shall take effect immediately.

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

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