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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:

1 Section 1. The education law is amended by adding a new section 6510-f
2 to read as follows:
3 S 6510-F. COMPLAINTS OF SEXUAL MISCONDUCT WITH PATIENT; REPORT TO LAW
4 ENFORCEMENT. THE OFFICE OF PROFESSIONAL DISCIPLINE SHALL, UPON RECEIPT
5 OF ANY COMPLAINT MADE BY A PERSON AGAINST A PERSON LICENSED TO PRACTICE
6 PSYCHOLOGY PURSUANT TO ARTICLE ONE HUNDRED FIFTY-THREE OF THIS TITLE,
7 LICENSED TO PRACTICE SOCIAL WORK PURSUANT TO ARTICLE ONE HUNDRED FIFTY-
8 FOUR OF THIS TITLE OR LICENSED TO PRACTICE MENTAL HEALTH COUNSELING
9 PURSUANT TO ARTICLE ONE HUNDRED SIXTY-THREE OF THIS TITLE, REPORT THE
10 NATURE AND CONTENT OF SUCH COMPLAINT TO THE LOCAL LAW ENFORCEMENT AGENCY
11 HAVING JURISDICTION IN THE MUNICIPALITY WHEREIN THE ACTS OR BEHAVIOR
12 THAT FORM THE BASIS OF SUCH COMPLAINT OCCURRED AND THE SUPERINTENDENT
13 OF STATE POLICE, IF SUCH COMPLAINT ALLEGES THAT SUCH PERSON LICENSED TO
14 PRACTICE PSYCHOLOGY, LICENSED TO PRACTICE SOCIAL WORK OR LICENSED TO
15 PRACTICE MENTAL HEALTH COUNSELING, ENGAGED IN SEXUAL INTERCOURSE, ORAL
16 SEXUAL CONDUCT OR SEXUAL CONTACT, AS THOSE TERMS ARE DEFINED IN SECTION
17 130.00 OF THE PENAL LAW, WITH A PATIENT. SUCH REPORT SHALL BE MADE
18 WITHIN TWENTY-FOUR HOURS AFTER IT IS RECEIVED BY SUCH OFFICE.
19 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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