

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

January 18, 2011

Introduced by M. of A. GABRYSZAK, CLARK, MILLMAN, PAULIN, ROBINSON, ROSENTHAL, SPANO, P. RIVERA -- Multi-Sponsored by -- M. of A. BOYLAND, COOK, CORWIN, HEASTIE, HOOPER, KOLB, MENG, PEOPLES-STOKES, RAI, SAYWARD, SCARBOROUGH, THIELE, WEISENBERG -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Paragraph a of subdivision 3 of section 6507 of the educa-
2 tion law, as amended by chapter 356 of the laws of 2006, is amended to
3 read as follows:
4 a. Establish standards for preprofessional and professional education,
5 experience and licensing examinations as required to implement the arti-
6 cle for each profession. (I) Notwithstanding any other provision of law,
7 the commissioner shall establish standards requiring that all persons
8 applying, on or after January first, nineteen hundred ninety-one,
9 initially, or for the renewal of, a license, registration or limited
10 permit to be a physician, chiropractor, dentist, registered nurse,
11 podiatrist, optometrist, psychiatrist, psychologist, licensed master
12 social worker, licensed clinical social worker, licensed creative arts
13 therapist, licensed marriage and family therapist, licensed mental
14 health counselor, licensed psychoanalyst, or dental hygienist shall, in
15 addition to all the other licensure, certification or permit require-
16 ments, have completed two hours of coursework or training regarding the
17 identification and reporting of child abuse and maltreatment. The
18 coursework or training shall be obtained from an institution or provider

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

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1 which has been approved by the department to provide such coursework or
2 training. The coursework or training shall include information regarding
3 the physical and behavioral indicators of child abuse and maltreatment
4 and the statutory reporting requirements set out in sections four
5 hundred thirteen through four hundred twenty of the social services law,
6 including but not limited to, when and how a report must be made, what
7 other actions the reporter is mandated or authorized to take, the legal
8 protections afforded reporters, and the consequences for failing to
9 report. Such coursework or training may also include information regard-
10 ing the physical and behavioral indicators of the abuse of individuals
11 with mental retardation and other developmental disabilities and volun-
12 tary reporting of abused or neglected adults to the office of mental
13 retardation and developmental disabilities or the local adult protective
14 services unit. Each applicant shall provide the department with documen-
15 tation showing that he or she has completed the required training. The
16 department shall provide an exemption from the child abuse and maltreat-
17 ment training requirements to any applicant who requests such an
18 exemption and who shows, to the department's satisfaction, that there
19 would be no need because of the nature of his or her practice for him or
20 her to complete such training[;].

21 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER
22 SHALL ESTABLISH STANDARDS REQUIRING THAT ALL PERSONS APPLYING, ON OR
23 AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, INITIALLY FOR A LICENSE,
24 REGISTRATION LIMITED PERMIT TO BE A PHYSICIAN, PHYSICIAN ASSISTANT,
25 SPECIALIST ASSISTANT, DENTIST, REGISTERED PROFESSIONAL NURSE, LICENSED
26 PRACTICAL NURSE, PODIATRIST, OPTOMETRIST OR DENTAL HYGIENIST, AND ALL
27 PERSONS PRACTICING, ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, AS
28 A PHYSICIAN, PHYSICIAN ASSISTANT, SPECIALIST ASSISTANT, DENTIST, REGIS-
29 TERED PROFESSIONAL NURSE, LICENSED PRACTICAL NURSE, PODIATRIST, OPTOME-
30 TRIST OR DENTAL HYGIENIST, SHALL IN ADDITION TO ALL THE OTHER LICENSURE,
31 CERTIFICATION OR PERMIT REQUIREMENTS, AND EVERY FOUR YEARS THEREAFTER,
32 HAVE COMPLETED COURSEWORK OR TRAINING APPROPRIATE TO THE PROFESSIONAL'S
33 PRACTICE REGARDING THE DIAGNOSIS, TREATMENT AND DOCUMENTATION OF DOMES-
34 TIC VIOLENCE. THE COMMISSIONER SHALL ESTABLISH SUCH STANDARDS IN CONSUL-
35 TATION WITH THE DEPARTMENT OF HEALTH, THE OFFICE FOR THE PREVENTION OF
36 DOMESTIC VIOLENCE, ORGANIZATIONS REPRESENTATIVE OF THE PROFESSIONS, AND
37 INSTITUTIONS AND INDIVIDUALS WITH EXPERTISE IN DOMESTIC VIOLENCE. EACH
38 SUCH PROFESSIONAL SHALL PROVIDE THE DEPARTMENT WITH DOCUMENTATION SHOW-
39 ING THAT HE OR SHE HAS COMPLETED THE REQUIRED TRAINING. THE DEPARTMENT
40 SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF THIS SUBPARAGRAPH TO
41 ANY PERSON WHO SUBMITS AN APPLICATION THEREFOR TO THE COMMISSIONER, AND
42 WHO (A) CLEARLY DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT THERE
43 WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSEWORK OR TRAINING
44 BECAUSE OF THE NATURE OF HIS OR HER PRACTICE, OR (B) HAS COMPLETED
45 COURSEWORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE
46 COURSEWORK OR TRAINING REQUIRED PURSUANT TO THIS SUBPARAGRAPH.

47 S 2. Paragraph (f) of subdivision 1 of section 2805-k of the public
48 health law, as amended by chapter 477 of the laws of 2008, is amended to
49 read as follows:

50 (f) Documentation that the physician, dentist or podiatrist has
51 completed the course work or training as mandated by section two hundred
52 thirty-nine of this chapter or section [six thousand five] SIXTY-FIVE
53 hundred five-b of the education law AND SUBPARAGRAPH (II) OF PARAGRAPH A
54 OF SUBDIVISION THREE OF SECTION SIXTY-FIVE HUNDRED SEVEN OF THE EDUCA-
55 TION LAW. A hospital or facility shall not grant or renew professional

1 privileges or association to a physician, dentist, or podiatrist who has
2 not completed such course work or training.
3 S 3. This act shall take effect immediately, except that section two
4 of this act shall take effect January 1, 2013.