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

5300--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, 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:

Section 1. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 356 of the laws of 2006, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. (I) Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, or dental hygienist shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four

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

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hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office of mental retardation and developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training[;].

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL ESTABLISH STANDARDS REQUIRING THAT ALL PERSONS APPLYING, ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, INITIALLY FOR A LICENSE, REGISTRATION LIMITED PERMIT TO BE A PHYSICIAN, PHYSICIAN ASSISTANT, SPECIALIST ASSISTANT, DENTIST, REGISTERED PROFESSIONAL NURSE, LICENSED PRACTICAL NURSE, PODIATRIST, OPTOMETRIST OR DENTAL HYGIENIST, AND ALL PERSONS PRACTICING, ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, AS A PHYSICIAN, PHYSICIAN ASSISTANT, SPECIALIST ASSISTANT, DENTIST, REGISTERED PROFESSIONAL NURSE, LICENSED PRACTICAL NURSE, PODIATRIST, OPTOMETRIST OR DENTAL HYGIENIST, SHALL IN ADDITION TO ALL THE OTHER LICENSURE, CERTIFICATION OR PERMIT REQUIREMENTS, AND EVERY FOUR YEARS THEREAFTER, HAVE COMPLETED COURSEWORK OR TRAINING APPROPRIATE TO THE PROFESSIONAL'S PRACTICE REGARDING THE DIAGNOSIS, TREATMENT AND DOCUMENTATION OF DOMESTIC VIOLENCE. THE COMMISSIONER SHALL ESTABLISH SUCH STANDARDS IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE, ORGANIZATIONS REPRESENTATIVE OF THE PROFESSIONS, AND INSTITUTIONS AND INDIVIDUALS WITH EXPERTISE IN DOMESTIC VIOLENCE. EACH SUCH PROFESSIONAL SHALL PROVIDE THE DEPARTMENT WITH DOCUMENTATION SHOWING THAT HE OR SHE HAS COMPLETED THE REQUIRED TRAINING. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF THIS SUBPARAGRAPH TO ANY PERSON WHO SUBMITS AN APPLICATION THEREFOR TO THE COMMISSIONER, AND WHO (A) CLEARLY DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSEWORK OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE, OR (B) HAS COMPLETED COURSEWORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE COURSEWORK OR TRAINING REQUIRED PURSUANT TO THIS SUBPARAGRAPH.

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

(f) Documentation that the physician, dentist or podiatrist has completed the course work or training as mandated by section two hundred thirty-nine of this chapter or section [six thousand five] SIXTY-FIVE hundred five-b of the education law AND SUBPARAGRAPH (II) OF PARAGRAPH A OF SUBDIVISION THREE OF SECTION SIXTY-FIVE HUNDRED SEVEN OF THE EDUCATION LAW. A hospital or facility shall not grant or renew professional privileges or association to a physician, dentist, or podiatrist who has not completed such course work or training.

S 3. This act shall take effect immediately, except that section two of this act shall take effect January 1, 2013.