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

7456

I N S E N A T E

May 22, 2012

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the sexual offenses by health care or mental health care providers; and to amend the education law, in relation to the duties of the professional conduct officer, applicable state board for the profession, or the office of professional discipline to report potential criminal conduct to the appropriate law enforcement official or authority

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

Section 1. Paragraph (h) of subdivision 3 of section 130.05 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a [treatment session,] consultation, interview, [or] examination OR COURSE OF TREATMENT.

S 2. Section 6510 of the education law is amended by adding a new subdivision 5-a to read as follows:

5-A. AT ANY TIME, IF THE PROFESSIONAL CONDUCT OFFICER OR APPLICABLE STATE BOARD FOR THE PROFESSION DESIGNATED TO INVESTIGATE A COMPLAINT OF A LICENSEE'S PROFESSIONAL MISCONDUCT OR THE OFFICE OF PROFESSIONAL DISCIPLINE DETERMINES THAT THERE IS A REASONABLE BELIEF THAT AN ACT OR OMISSION THAT CONSTITUTES A CRIME UNDER THE LAW OF THE STATE OF NEW YORK, ANY OTHER STATE, OR THE UNITED STATES HAS BEEN COMMITTED BY THE LICENSEE THE PROFESSIONAL CONDUCT OFFICER, APPLICABLE STATE BOARD FOR THE PROFESSION, OR THE OFFICE OF PROFESSIONAL DISCIPLINE SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT OFFICIAL OR AUTHORITY.

S 3. 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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