

2887--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 18, 2013

Introduced by M. of A. SCARBOROUGH, HEVESI, LUPARDO -- read once and referred to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- 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 social services law, in relation to coursework or training regarding the identification and reporting of suspected cases of child abuse and maltreatment

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. Notwithstanding any other provision of law, the
7 commissioner shall establish standards requiring that all persons apply-
8 ing, on or after January first, nineteen hundred ninety-one, initially,
9 or for the renewal of, a license, registration or limited permit to be a
10 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
11 trist, psychiatrist, psychologist, licensed master social worker,
12 licensed clinical social worker, licensed creative arts therapist,
13 licensed marriage and family therapist, licensed mental health counse-
14 lor, licensed psychoanalyst, or dental hygienist shall, in addition to
15 all the other licensure, certification or permit requirements, AND EVERY
16 THREE YEARS THEREAFTER, have completed two hours of coursework or train-
17 ing regarding the identification and reporting of child abuse and
18 maltreatment. The coursework or training shall be obtained from an
19 institution or provider which has been approved by the department to

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

LBD02722-05-4

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

21 S 2. Paragraph a of subdivision 3 of section 6507 of the education
22 law, as amended by chapter 554 of the laws of 2013, is amended to read
23 as follows:

24 a. Establish standards for preprofessional and professional education,
25 experience and licensing examinations as required to implement the arti-
26 cle for each profession. Notwithstanding any other provision of law, the
27 commissioner shall establish standards requiring that all persons apply-
28 ing, on or after January first, nineteen hundred ninety-one, initially,
29 or for the renewal of, a license, registration or limited permit to be a
30 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
31 trist, psychiatrist, psychologist, licensed master social worker,
32 licensed clinical social worker, licensed creative arts therapist,
33 licensed marriage and family therapist, licensed mental health counse-
34 lor, licensed psychoanalyst, dental hygienist, licensed behavior
35 analyst, or certified behavior analyst assistant shall, in addition to
36 all the other licensure, certification or permit requirements, AND EVERY
37 THREE YEARS THEREAFTER, have completed two hours of coursework or train-
38 ing regarding the identification and reporting of child abuse and
39 maltreatment. The coursework or training shall be obtained from an
40 institution or provider which has been approved by the department to
41 provide such coursework or training. The coursework or training shall
42 include information regarding the physical and behavioral indicators of
43 child abuse and maltreatment and the statutory reporting requirements
44 set out in sections four hundred thirteen through four hundred twenty of
45 the social services law, including but not limited to, when and how a
46 report must be made, what other actions the reporter is mandated or
47 authorized to take, the legal protections afforded reporters, and the
48 consequences for failing to report. Such coursework or training may also
49 include information regarding the physical and behavioral indicators of
50 the abuse of individuals with [mental retardation and other] develop-
51 mental disabilities and voluntary reporting of abused or neglected
52 adults to the office [of mental retardation and] FOR PEOPLE WITH devel-
53 opmental disabilities or the local adult protective services unit. Each
54 applicant shall provide the department with documentation showing that
55 he or she has completed the required training. The department shall
56 provide an exemption from the child abuse and maltreatment training

1 requirements to any applicant who requests such an exemption and who
2 shows, to the department's satisfaction, that there would be no need
3 because of the nature of his or her practice for him or her to complete
4 such training;

5 S 3. Subdivision 4 of section 3003 of the education law, as amended by
6 chapter 737 of the laws of 1992, is amended to read as follows:

7 4. Notwithstanding any other provision of law, the commissioner shall
8 require that any person applying, on or after January first, nineteen
9 hundred ninety-one, for a superintendent's certificate shall, in addi-
10 tion to all the other requirements, AND EVERY THREE YEARS THEREAFTER,
11 have completed two hours of coursework or training regarding the iden-
12 tification and reporting of child abuse and maltreatment. The course-
13 work or training shall be obtained from an institution or provider which
14 has been approved by the department to provide such coursework or train-
15 ing. The coursework or training shall include information regarding the
16 physical and behavioral indicators of child abuse and maltreatment and
17 the statutory reporting requirements set out in sections four hundred
18 thirteen through four hundred twenty of the social services law, includ-
19 ing but not limited to, when and how a report must be made, what other
20 actions the reporter is mandated or authorized to take, the legal
21 protections afforded reporters, and the consequences for failing to
22 report. Each applicant shall provide the department with documentation
23 showing that he or she has completed the required training.

24 S 4. Subdivision 2 of section 3004 of the education law, as amended by
25 chapter 737 of the laws of 1992, is amended to read as follows:

26 2. Notwithstanding any other provision of law, the commissioner shall
27 prescribe regulations requiring that all persons applying, on or after
28 January first, nineteen hundred ninety-one, for a certificate or license
29 to be a teacher shall, in addition to all the other certification or
30 licensure requirements, AND EVERY THREE YEARS THEREAFTER, have completed
31 two hours of coursework or training regarding the identification and
32 reporting of child abuse and maltreatment. The coursework or training
33 shall be obtained from an institution or provider which has been
34 approved by the department to provide such coursework or training. The
35 coursework or training shall include information regarding the physical
36 and behavioral indicators of child abuse and maltreatment and the statu-
37 tory reporting requirements set out in sections four hundred thirteen
38 through four hundred twenty of the social services law, including but
39 not limited to, when and how a report must be made, what other actions
40 the reporter is mandated or authorized to take, the legal protections
41 afforded reporters, and the consequences for failing to report. Each
42 applicant shall provide the department with documentation showing that
43 he or she has completed the required training.

44 S 5. Section 413 of the social services law is amended by adding a new
45 subdivision 1-a to read as follows:

46 1-A. (A) EVERY PERSON AND OFFICIAL REQUIRED TO REPORT CHILD ABUSE OR
47 MALTREATMENT, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL, PRIOR
48 TO ASSUMPTION OF THE POSITION WHICH REQUIRES SUCH REPORTING, AND EVERY
49 THREE YEARS THEREAFTER, COMPLETE TWO HOURS OF COURSEWORK OR TRAINING
50 REGARDING THE IDENTIFICATION AND REPORTING OF CHILD ABUSE AND MALTREAT-
51 MENT; PROVIDED THAT EVERY PERSON AND OFFICIAL HOLDING SUCH A POSITION ON
52 OR BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL COMPLETE SUCH
53 COURSEWORK OR TRAINING WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
54 SUBDIVISION.

55 (B) EXCEPT AS OTHERWISE PROVIDED BY THE EDUCATION LAW, THE OFFICE OF
56 CHILDREN AND FAMILY SERVICES SHALL APPROVE AND/OR ESTABLISH THE COURSE-

1 WORK AND TRAINING REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVI-
2 SION. SUCH COURSEWORK AND TRAINING MAY BE DEVELOPED SO THAT IT CAN BE
3 OFFERED THROUGH VARIOUS MEANS INCLUDING, BUT NOT LIMITED TO, INTERNET
4 BASED COURSES AND TELECONFERENCES.

5 S 6. This act shall take effect one year after it shall have become a
6 law provided, however, that section two of this act shall take effect on
7 the same date and in the same manner as chapter 554 of the laws of 2013
8 takes effect.