

421--C

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. PAULIN, MORELLE, SCARBOROUGH, AUBRY, GUNTHER, MAGNARELLI, ZEBROWSKI, ABINANTI, GALEF, CAMARA, ENGLEBRIGHT, JAFFEE, MOYA, HOOPER -- Multi-Sponsored by -- M. of A. ARROYO, GOTTFRIED, PERRY, SCHIMEL, SIMOTAS -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 social services law, in relation to expanding the persons responsible for reporting cases of suspected child abuse; and to amend the education law, in relation to coursework for reporting child abuse and maltreatment for persons holding temporary coaching licenses or professional coaching certificates

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

1 Section 1. Paragraph (a) of subdivision 1 of section 413 of the social
2 services law, as amended by chapter 554 of the laws of 2013, is amended
3 to read as follows:
4 (a) The following persons and officials are required to report or
5 cause a report to be made in accordance with this title when they have
6 reasonable cause to suspect that a child coming before them in their
7 professional or official capacity is an abused or maltreated child, or
8 when they have reasonable cause to suspect that a child is an abused or
9 maltreated child where the parent, guardian, custodian or other person
10 legally responsible for such child comes before them in their profes-
11 sional or official capacity and states from personal knowledge facts,
12 conditions or circumstances which, if correct, would render the child an

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

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1 abused or maltreated child: any physician; registered physician assist-
2 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
3 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
4 psychologist; registered nurse; social worker; emergency medical techni-
5 cian; licensed creative arts therapist; licensed marriage and family
6 therapist; licensed mental health counselor; licensed psychoanalyst;
7 licensed behavior analyst; certified behavior analyst assistant; hospi-
8 tal personnel engaged in the admission, examination, care or treatment
9 of persons; a Christian Science practitioner; school official, which
10 includes but is not limited to school teacher, school guidance counse-
11 lor, school psychologist, school social worker, school nurse, school
12 administrator or other school personnel required to hold a teaching or
13 administrative license or certificate; FULL OR PART-TIME COMPENSATED
14 SCHOOL EMPLOYEE REQUIRED TO HOLD A TEMPORARY COACHING LICENSE OR PROFES-
15 SIONAL COACHING CERTIFICATE; social services worker; director of a chil-
16 dren's overnight camp, summer day camp or traveling summer day camp, as
17 such camps are defined in section thirteen hundred ninety-two of the
18 public health law; day care center worker; school-age child care worker;
19 provider of family or group family day care; or any other child care or
20 foster care worker; mental health professional; substance abuse counse-
21 lor; alcoholism counselor; all persons credentialed by the office of
22 alcoholism and substance abuse services; peace officer; police officer;
23 district attorney or assistant district attorney; investigator employed
24 in the office of a district attorney; or other law enforcement official.

25 S 2. Subdivision 5-a of section 488 of the social services law, as
26 amended by chapter 8 of the laws of 2014, is amended to read as follows:

27 5-a. "Human services professional" shall mean any: physician; regis-
28 tered physician assistant; surgeon; medical examiner; coroner; dentist;
29 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;
30 resident; intern; psychologist; registered nurse; licensed practical
31 nurse; nurse practitioner; social worker; emergency medical technician;
32 licensed creative arts therapist; licensed marriage and family thera-
33 pist; licensed mental health counselor; licensed psychoanalyst; licensed
34 behavior analyst; certified behavior analyst assistant; licensed
35 speech/language pathologist or audiologist; licensed physical therapist;
36 licensed occupational therapist; hospital personnel engaged in the
37 admission, examination, care or treatment of persons; Christian Science
38 practitioner; school official, which includes but is not limited to
39 school teacher, school guidance counselor, school psychologist, school
40 social worker, school nurse, school administrator or other school
41 personnel required to hold a teaching or administrative license or
42 certificate; FULL OR PART-TIME COMPENSATED SCHOOL EMPLOYEE REQUIRED TO
43 HOLD A TEMPORARY COACHING LICENSE OR PROFESSIONAL COACHING CERTIFICATE;
44 social services worker; any other child care or foster care worker;
45 mental health professional; person credentialed by the office of alco-
46 holism and substance abuse services; peace officer; police officer;
47 district attorney or assistant district attorney; investigator employed
48 in the office of a district attorney; or other law enforcement official.

49 S 3. The education law is amended by adding a new section 3036 to read
50 as follows:

51 S 3036. COURSEWORK FOR REPORTING CHILD ABUSE AND MALTREATMENT FOR
52 THOSE WITH COACHING LICENSES OR COACHING CERTIFICATES. 1. NOTWITHSTAND-
53 ING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL PRESCRIBE REGU-
54 LATIONS REQUIRING THAT ALL PERSONS CURRENTLY HOLDING A TEMPORARY COACH-
55 ING LICENSE OR A PROFESSIONAL COACHING CERTIFICATE AND PERSONS APPLYING
56 FOR SUCH LICENSE OR CERTIFICATE SHALL, IN ADDITION TO ALL THE OTHER

1 LICENSURE OR CERTIFICATION REQUIREMENTS, HAVE COMPLETED TWO HOURS OF
2 COURSEWORK OR TRAINING REGARDING THE IDENTIFICATION AND REPORTING OF
3 CHILD ABUSE AND MALTREATMENT. THE COURSEWORK OR TRAINING SHALL BE
4 OBTAINED FROM AN INSTITUTION OR PROVIDER WHICH HAS BEEN APPROVED BY THE
5 DEPARTMENT TO PROVIDE SUCH COURSEWORK OR TRAINING. THE COURSEWORK OR
6 TRAINING SHALL INCLUDE INFORMATION REGARDING THE PHYSICAL AND BEHAVIORAL
7 INDICATORS OF CHILD ABUSE AND MALTREATMENT AND THE STATUTORY REPORTING
8 REQUIREMENTS SET OUT IN SECTIONS FOUR HUNDRED THIRTEEN THROUGH FOUR
9 HUNDRED TWENTY OF THE SOCIAL SERVICES LAW, INCLUDING BUT NOT LIMITED TO,
10 WHEN AND HOW A REPORT MUST BE MADE, WHAT OTHER ACTIONS THE REPORTER IS
11 MANDATED OR AUTHORIZED TO TAKE, THE LEGAL PROTECTIONS AFFORDED REPOR-
12 TERS, AND THE CONSEQUENCES FOR FAILING TO REPORT. EACH APPLICANT SHALL
13 PROVIDE THE DEPARTMENT WITH DOCUMENTATION SHOWING THAT HE OR SHE HAS
14 COMPLETED THE REQUIRED TRAINING.

15 2. PERSONS CURRENTLY HOLDING A TEMPORARY COACHING LICENSE OR A PROFES-
16 SIONAL COACHING CERTIFICATE SHALL MEET THE COURSEWORK OR TRAINING
17 REQUIREMENTS PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION NO LATER THAN
18 JULY FIRST, TWO THOUSAND FIFTEEN.

19 S 4. This act shall take effect immediately; provided, however, that
20 sections one and two of this act shall take effect on July 1, 2015;
21 provided, further that if chapter 554 of the laws of 2013 shall not have
22 taken effect on or before such date then section one of this act shall
23 take effect on the same date and in the same manner as such chapter of
24 the laws of 2013, takes effect; and provided that if chapter 8 of the
25 laws of 2014 shall not have taken effect on or before such date then
26 section two of this act shall take effect on the same date and in the
27 same manner as such chapter of the laws of 2014, takes effect.