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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. BRAUNSTEIN, ENGLEBRIGHT, GIBSON, WEPRIN --
Multi-Sponsored by -- M. of A. AUBRY, LUPARDO -- read once and
referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to health care practitioner professional education in the area of elderly abuse

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, have
16 completed [two] THREE hours of coursework or training regarding the
17 identification and reporting of child AND ELDER abuse and maltreatment.
18 The coursework or training shall be obtained from an institution or
19 provider which has been approved by the department to provide such
20 coursework or training. [The] TWO HOURS OF THE coursework or training
21 shall include information regarding the physical and behavioral indica-
22 tors of child abuse and maltreatment and the statutory reporting
23 requirements set out in sections four hundred thirteen through four

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

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1 hundred twenty of the social services law, including but not limited to,
2 when and how a report must be made, what other actions the reporter is
3 mandated or authorized to take, the legal protections afforded repor-
4 ters, and the consequences for failing to report. ONE HOUR OF THE
5 COURSEWORK OR TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION
6 REGARDING THE PHYSICAL AND BEHAVIORAL INDICATORS OF ELDER ABUSE AND
7 MALTREATMENT, AND WHEN AND HOW A REPORT OF ELDER ABUSE AND MALTREATMENT
8 MAY BE MADE, WHAT OTHER ACTIONS THE REPORTER IS MANDATED OR AUTHORIZED
9 TO TAKE, THE LEGAL PROTECTIONS AFFORDED REPORTERS, AND THE CONSEQUENCES,
10 IF ANY, FOR FAILING TO REPORT. FOR THE PURPOSES OF THIS PARAGRAPH,
11 "ELDER ABUSE AND MALTREATMENT" MEANS PHYSICAL ABUSE, SEXUAL ABUSE,
12 EMOTIONAL ABUSE, ACTIVE NEGLECT, PASSIVE NEGLECT OR SELF NEGLECT, AS
13 SUCH TERMS ARE DEFINED BY SUBDIVISION SIX OF SECTION FOUR HUNDRED SEVEN-
14 TY-THREE OF THE SOCIAL SERVICES LAW, COMMITTED AGAINST A PERSON SIXTY
15 YEARS OF AGE OR OLDER. Such coursework or training may also include
16 information regarding the physical and behavioral indicators of the
17 abuse of individuals with mental retardation and other developmental
18 disabilities and voluntary reporting of abused or neglected adults to
19 the office of mental retardation and developmental disabilities or the
20 local adult protective services unit. Each applicant shall provide the
21 department with documentation showing that he or she has completed the
22 required training. The department shall provide an exemption from the
23 child AND ELDER abuse and maltreatment training requirements to any
24 applicant who requests such an exemption and who shows, to the depart-
25 ment's satisfaction, that there would be no need because of the nature
26 of his or her practice for him or her to complete such training;
27 S 2. This act shall take effect on the first of January of the second
28 calendar year commencing after the date on which it shall have become a
29 law.