

7063

I N S E N A T E

April 23, 2014

Introduced by Sens. FELDER, GOLDEN -- read twice and ordered printed,
and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the social services law, in
relation to coursework or training regarding the identification and
reporting of child abuse and maltreatment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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
20 provide such coursework or training. The coursework or training shall
21 include information regarding the physical and behavioral indicators of
22 child abuse and maltreatment and the statutory reporting requirements
23 set out in sections four hundred thirteen through four hundred twenty of
24 the social services law, including but not limited to, when and how a
25 report must be made, what other actions the reporter is mandated or
26 authorized to take, the legal protections afforded reporters, and the
27 consequences for failing to report. Such coursework or training may also

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

1 include information regarding the physical and behavioral indicators of
2 the abuse of individuals with [mental retardation and other] develop-
3 mental disabilities and voluntary reporting of abused or neglected
4 adults to the office [of mental retardation and] FOR PEOPLE WITH devel-
5 opmental disabilities or the local adult protective services unit. Each
6 applicant shall provide the department with documentation showing that
7 he or she has completed the required training. The department shall
8 provide an exemption from the child abuse and maltreatment training
9 requirements to any applicant who requests such an exemption and who
10 shows, to the department's satisfaction, that there would be no need
11 because of the nature of his or her practice for him or her to complete
12 such training;

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

16 a. Establish standards for preprofessional and professional education,
17 experience and licensing examinations as required to implement the arti-
18 cle for each profession. Notwithstanding any other provision of law, the
19 commissioner shall establish standards requiring that all persons apply-
20 ing, on or after January first, nineteen hundred ninety-one, initially,
21 or for the renewal of, a license, registration or limited permit to be a
22 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
23 trist, psychiatrist, psychologist, licensed master social worker,
24 licensed clinical social worker, licensed creative arts therapist,
25 licensed marriage and family therapist, licensed mental health counse-
26 lor, licensed psychoanalyst, dental hygienist, licensed behavior
27 analyst, or certified behavior analyst assistant shall, in addition to
28 all the other licensure, certification or permit requirements, AND EVERY
29 THREE YEARS THEREAFTER, have completed two hours of coursework or train-
30 ing regarding the identification and reporting of child abuse and
31 maltreatment. The coursework or training shall be obtained from an
32 institution or provider which has been approved by the department to
33 provide such coursework or training. The coursework or training shall
34 include information regarding the physical and behavioral indicators of
35 child abuse and maltreatment and the statutory reporting requirements
36 set out in sections four hundred thirteen through four hundred twenty of
37 the social services law, including but not limited to, when and how a
38 report must be made, what other actions the reporter is mandated or
39 authorized to take, the legal protections afforded reporters, and the
40 consequences for failing to report. Such coursework or training may also
41 include information regarding the physical and behavioral indicators of
42 the abuse of individuals with [mental retardation and other] develop-
43 mental disabilities and voluntary reporting of abused or neglected
44 adults to the office [of mental retardation and] FOR PEOPLE WITH devel-
45 opmental disabilities or the local adult protective services unit. Each
46 applicant shall provide the department with documentation showing that
47 he or she has completed the required training. The department shall
48 provide an exemption from the child abuse and maltreatment training
49 requirements to any applicant who requests such an exemption and who
50 shows, to the department's satisfaction, that there would be no need
51 because of the nature of his or her practice for him or her to complete
52 such training;

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

55 4. Notwithstanding any other provision of law, the commissioner shall
56 require that any person applying, on or after January first, nineteen

1 hundred ninety-one, for a superintendent's certificate shall, in addi-
2 tion to all the other requirements, AND EVERY THREE YEARS THEREAFTER,
3 have completed two hours of coursework or training regarding the iden-
4 tification and reporting of child abuse and maltreatment. The coursework
5 or training shall be obtained from an institution or provider which has
6 been approved by the department to provide such coursework or training.
7 The coursework or training shall include information regarding the phys-
8 ical and behavioral indicators of child abuse and maltreatment and the
9 statutory reporting requirements set out in sections four hundred thir-
10 teen through four hundred twenty of the social services law, including
11 but not limited to, when and how a report must be made, what other
12 actions the reporter is mandated or authorized to take, the legal
13 protections afforded reporters, and the consequences for failing to
14 report. Each applicant shall provide the department with documentation
15 showing that he or she has completed the required training.

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

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

36 S 5. The closing paragraph of section 3007 of the education law, as
37 amended by chapter 544 of the laws of 1988, is amended to read as
38 follows:

39 Such endorsement confers on the holder of such diploma or certificate
40 the privileges conferred by law on the holder of the diploma of a state
41 teachers college or state college for teachers or state certificate
42 issued in this state. Notwithstanding any other provision of law, the
43 commissioner shall require that any person seeking endorsement of a
44 foreign certificate or diploma, on or after January first, nineteen
45 hundred ninety-one, AND EVERY THREE YEARS THEREAFTER, shall have
46 completed two hours of coursework or training regarding the identifica-
47 tion and reporting of child abuse and maltreatment. The coursework or
48 training shall be obtained from an institution or provider which has
49 been approved by the department to provide such course work or training.
50 The coursework or training shall include information regarding the phys-
51 ical and behavioral indicators of child abuse and maltreatment and the
52 statutory reporting requirements set out in sections four hundred thir-
53 teen through four hundred twenty of the social services law, including
54 but not limited to, when and how a report must be made, what other
55 actions the reporter is mandated or authorized to take, the legal
56 protections afforded reporters, and the consequences for failing to

1 report. Each applicant shall provide the department with documentation
2 showing that he or she has completed the required training.

3 S 6. Section 413 of the social services law is amended by adding a new
4 subdivision 1-a to read as follows:

5 1-A. (A) EVERY PERSON AND OFFICIAL REQUIRED TO REPORT CHILD ABUSE OR
6 MALTREATMENT, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL, PRIOR
7 TO ASSUMING THE POSITION WHICH REQUIRES SUCH REPORTING, AND EVERY THREE
8 YEARS THEREAFTER, COMPLETE TWO HOURS OF COURSEWORK OR TRAINING REGARDING
9 THE IDENTIFICATION AND REPORTING OF CHILD ABUSE AND MALTREATMENT;
10 PROVIDED THAT EVERY PERSON AND OFFICIAL HOLDING SUCH A POSITION ON OR
11 BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION, AND EVERY THREE YEARS
12 THEREAFTER SHALL, COMPLETE SUCH COURSEWORK OR TRAINING WITHIN ONE YEAR
13 OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

14 (B) EXCEPT AS OTHERWISE PROVIDED BY THE EDUCATION LAW, THE OFFICE OF
15 CHILDREN AND FAMILY SERVICES SHALL APPROVE AND/OR ESTABLISH THE COURSE-
16 WORK AND TRAINING REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVI-
17 SION. SUCH COURSEWORK AND TRAINING SHALL BE DEVELOPED SO THAT IT CAN BE
18 OFFERED THROUGH VARIOUS MEANS, INCLUDING BUT NOT LIMITED TO, INTERNET
19 BASED COURSES AND TELECONFERENCES.

20 S 7. This act shall take effect one year after it shall have become a
21 law; provided, however, that if chapter 554 of the laws of 2013 shall
22 not have taken effect on or before such date then section two of this
23 act shall take effect on the same date and in the same manner as such
24 chapter of the laws of 2013 takes effect.