

2558--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. GOTTFRIED, COOK, ENGLEBRIGHT, CLARK, GALEF, COLTON, MAGNARELLI, OTIS, QUART, BRONSON, THIELE, KIM -- Multi-Sponsored by -- M. of A. CAHILL, LUPARDO, MAGEE, SIMON -- read once and referred to the Committee on Higher Education -- 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 the licensing of acupuncturists and the practice of the profession of acupuncture, and establishing acupuncturists as mandatory reporters 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 1 of section 8211 of the
2 education law, as added by chapter 772 of the laws of 1990, is amended
3 and a new paragraph (c) is added to read as follows:
4 (a) "Profession of acupuncture" is the treating, by means of mechan-
5 ical, thermal or electrical stimulation effected by the insertion of
6 needles or by the application of heat, pressure or electrical stimu-
7 lation at a point or combination of points on the surface of the body
8 predetermined on the basis of the theory of the physiological interre-
9 lationship of body organs with an associated point or combination of
10 points for diseases, disorders and dysfunctions of the body for the
11 purpose of achieving a therapeutic or prophylactic effect. THE PROFES-
12 SION OF ACUPUNCTURE INCLUDES RECOMMENDATION OF TRADITIONAL REMEDIES AND
13 SUPPLEMENTS INCLUDING, BUT NOT LIMITED TO, THE RECOMMENDATION OF DIET,
14 HERBS (LOOSE AND PRE-PACKAGED) AND NATURAL PRODUCTS, AND THEIR PREPARA-
15 TION IN ACCORDANCE WITH TRADITIONAL AND MODERN PRACTICES OF EAST ASIAN
16 OR ORIENTAL (CHINESE, KOREAN OR JAPANESE) MEDICAL THEORY. ANY ACUPUNCTU-
17 RIST WHOSE PRACTICE INCLUDES THE RECOMMENDATION OF CUSTOM-MADE REMEDIES
18 OR HERBAL FORMULATIONS SHALL BE SUBJECT TO THE REQUIREMENT IMPOSED BY

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

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1 THE PROVISIONS OF SUBDIVISION EIGHT-A OF SECTION EIGHTY-TWO HUNDRED
2 FOURTEEN OF THIS ARTICLE.

3 (C) NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT AN INDIVIDUAL WHO IS
4 NOT SUBJECT TO REGULATION IN THIS STATE AS A LICENSED ACUPUNCTURIST FROM
5 ENGAGING IN THE RECOMMENDATION OF TRADITIONAL REMEDIES AND SUPPLEMENTS
6 AS DEFINED HEREIN.

7 S 2. Subdivision 1 of section 8213 of the education law, as added by
8 chapter 772 of the laws of 1990, is amended to read as follows:

9 (1)(A) There is hereby established within the department a state board
10 for acupuncture. [The] ON AND BEFORE SEPTEMBER THIRTIETH, TWO THOUSAND
11 SIXTEEN, THE board shall consist of not less than eleven members to be
12 appointed by the board of regents on the recommendation of the commis-
13 sioner for the purpose of assisting the board of regents and the depart-
14 ment on matters of professional licensing and professional conduct in
15 accordance with section sixty-five hundred eight of this [chapter]
16 TITLE, four of whom shall be licensed acupuncturists, four of whom shall
17 be licensed physicians certified to use acupuncture and three of whom
18 shall be public members representing the consumer and community. [Of the
19 acupuncturists first appointed to the board, one may be a registered
20 specialist's assistant-acupuncture provided that the term of such regis-
21 tered specialist's assistant-acupuncture shall not be more than four
22 years.] Of the members first appointed, three shall be appointed for a
23 one year term, three shall be appointed for a two year term and three
24 shall be appointed for a three year term, and two shall be appointed for
25 a four year term. Thereafter all members shall serve for five year
26 terms. In the event that more than eleven members are appointed, a
27 majority of the additional members shall be licensed acupuncturists. The
28 members of the board shall select one of themselves as chairman to serve
29 for a one year term.

30 (B) ON AND AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN, THE BOARD SHALL
31 CONSIST OF NOT LESS THAN TWELVE MEMBERS APPOINTED AS SPECIFIED IN PARA-
32 GRAPH (A) OF THIS SUBDIVISION, EXCEPT THAT AT LEAST SIX OF SUCH MEMBERS
33 SHALL BE LICENSED ACUPUNCTURISTS, THREE OF SUCH MEMBERS SHALL BE
34 LICENSED PHYSICIANS CERTIFIED TO USE ACUPUNCTURE AND THREE OF WHOM SHALL
35 BE PUBLIC MEMBERS REPRESENTING THE CONSUMER AND COMMUNITY. NO MEMBER WHO
36 IS A LICENSED PHYSICIAN CERTIFIED TO USE ACUPUNCTURE AND WHO IS SERVING
37 ON THE BOARD ON THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE REQUIRED
38 TO VACATE HIS OR HER POSITION AS A MEMBER OF THE BOARD AS A RESULT OF
39 THE REDUCTION IN SUCH PHYSICIAN MEMBERS FROM FOUR TO THREE AS SPECIFIED
40 IN THIS PARAGRAPH, BUT SUCH CHANGE IN COMPOSITION SHALL BE MADE UPON THE
41 EXPIRATION OF TERMS OF OFFICE, OR VACANCIES IN OFFICE, OCCURRING ON AND
42 AFTER SUCH DATE.

43 S 3. Subdivision 8 of section 8214 of the education law, as added by
44 chapter 772 of the laws of 1990, is amended and two new subdivisions 8-a
45 and 9 are added to read as follows:

46 (8) Registration: if a license is granted, register triennially with
47 the department, including present home and business address and such
48 other pertinent information as the department requires[.];

49 (8-A) SPECIAL REQUIREMENT FOR RECOMMENDATION OF CUSTOM-MADE REMEDIES
50 OR HERBAL FORMULATIONS: ON AND AFTER OCTOBER FIRST, TWO THOUSAND
51 SIXTEEN, AN APPLICANT WHOSE PROFESSIONAL CONDUCT IN CONNECTION WITH THE
52 PRACTICE OF ACUPUNCTURE SHALL INCLUDE THE RECOMMENDATION OF CUSTOM-MADE
53 REMEDIES OR HERBAL FORMULATIONS MUST SUBMIT EVIDENCE OF SUCCESSFUL
54 PASSAGE OF THE HERBAL COMPETENCY EXAM OF A NATIONAL PROFESSIONAL ORGAN-
55 IZATION IN THE FIELD OF ACUPUNCTURE RECOGNIZED FOR THIS PURPOSE BY THE
56 COMMISSIONER; AND

1 (9) CERTIFICATES OF HERBAL PRACTICE: (A) NO ACUPUNCTURIST INITIALLY
2 LICENSED AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN, SHALL DISPENSE OR
3 RECOMMEND CUSTOM-MADE REMEDIES OR CUSTOM-MADE HERBAL FORMULATIONS WITH-
4 OUT A CERTIFICATE OF HERBAL PRACTICE ISSUED BY THE DEPARTMENT PURSUANT
5 TO REGULATIONS OF THE COMMISSIONER.

6 (B) THE FEE FOR A CERTIFICATE OF HERBAL PRACTICE SHALL BE DETERMINED
7 BY THE COMMISSIONER AND SHALL BE PAID ON A TRIENNIAL BASIS. A CERTIF-
8 ICATE MAY BE SUSPENDED OR REVOKED IN THE SAME MANNER AS A LICENSE TO
9 PRACTICE ACUPUNCTURE.

10 (C) THE CERTIFICATE OF HERBAL PRACTICE UNDER THIS SECTION IS AVAILABLE
11 ONLY TO PERSONS WHO ARE LICENSED TO PRACTICE ACUPUNCTURE IN ACCORDANCE
12 WITH THIS ARTICLE.

13 S 4. The education law is amended by adding a new section 8217 to read
14 as follows:

15 S 8217. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED ACUPUNC-
16 TURIST REQUIRED UNDER ARTICLE ONE HUNDRED THIRTY OF THIS CHAPTER TO
17 REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL
18 COMPLY WITH PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIRE-
19 MENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION EXCEPT AS SET FORTH
20 IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. ACUPUNCTURISTS WHO DO NOT
21 SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRAC-
22 TICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, EXCEPT THAT AN ACUPUNCTURIST
23 MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED
24 A CONDITIONAL REGISTRATION CERTIFICATE AS SPECIFIED IN SUBDIVISION THREE
25 OF THIS SECTION.

26 (B) ACUPUNCTURISTS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING
27 EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH
28 THEY ARE FIRST LICENSED. IN ACCORD WITH THE INTENT OF THIS SECTION,
29 ADJUSTMENT TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE
30 GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH CERTIFIED BY AN APPRO-
31 PRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED
32 FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE
33 DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

34 (C) A LICENSED ACUPUNCTURIST NOT ENGAGED IN PRACTICE AS DETERMINED BY
35 THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION
36 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING
37 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF ACUPUNCTURE
38 DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT
39 PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY EDUCA-
40 TION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMIS-
41 SIONER.

42 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
43 TRATION SHALL COMPLETE A MINIMUM OF THIRTY-SIX HOURS OF ACCEPTABLE
44 FORMAL CONTINUING EDUCATION, AS SPECIFIED IN SUBDIVISION FOUR OF THIS
45 SECTION, PROVIDED THAT NO MORE THAN EIGHTEEN HOURS OF SUCH CONTINUING
46 EDUCATION SHALL CONSIST OF SELF-STUDY COURSES. ANY ACUPUNCTURIST WHOSE
47 FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION
48 OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER
49 OCTOBER FIRST, TWO THOUSAND SIXTEEN, SHALL COMPLETE CONTINUING EDUCATION
50 HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH FOR THE
51 PERIOD BEGINNING OCTOBER FIRST, TWO THOUSAND SIXTEEN UP TO THE FIRST
52 REGISTRATION DATE THEREAFTER, BUT NO ACUPUNCTURIST SHALL IN ANY EVENT BE
53 REQUIRED TO COMPLETE LESS THAN SIX HOURS OF CONTINUING EDUCATION. A
54 LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION
55 REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY
56 THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL

1 REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE
2 OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM
3 MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM. THE MANDATORY CONTIN-
4 UING EDUCATION FEE SHALL BE THIRTY DOLLARS, SHALL BE PAYABLE ON OR
5 BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE
6 PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION
7 SIXTY-SEVEN HUNDRED THIRTY-FOUR OF THIS TITLE.

8 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
9 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
10 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
11 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION
12 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
13 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
14 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
15 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
16 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
17 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING
18 EDUCATION AND WHO PRACTICES ACUPUNCTURE WITHOUT SUCH REGISTRATION, MAY
19 BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE
20 HUNDRED TEN OF THIS TITLE.

21 4. (A) AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE FORMAL
22 CONTINUING EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH
23 CONTRIBUTE TO PROFESSIONAL PRACTICE IN ACUPUNCTURE AND WHICH MEET THE
24 STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT
25 MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND
26 WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION
27 COURSES IN SPECIFIC SUBJECTS. TO FULFILL THIS MANDATORY CONTINUING
28 EDUCATION REQUIREMENT, COURSES SHALL BE TAKEN FROM A SPONSOR APPROVED BY
29 THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER OR
30 OTHERWISE QUALIFY PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

31 (B) ANY ACUPUNCTURIST WHO (I) IS A PROFESSOR, ASSISTANT PROFESSOR,
32 ADJUNCT PROFESSOR OR INSTRUCTOR AT AN INSTITUTION OF HIGHER EDUCATION
33 LOCATED IN THIS STATE OR (II) IS SPONSORED BY AN APPROVED INSTITUTION OR
34 ASSOCIATION AND WHO SERVES AS AN INSTRUCTOR IN A COURSE OF CONTINUING
35 EDUCATION WHICH IS APPROVED AS SPECIFIED IN THE STANDARDS ESTABLISHED BY
36 THE COMMISSIONER, MAY RECEIVE CONTINUING EDUCATION CREDIT FOR COURSES IN
37 WHICH HE OR SHE SERVES AS THE INSTRUCTOR. FOR EVERY TWELVE HOURS OF
38 IN-CLASS INSTRUCTION, SUCH ACUPUNCTURIST SHALL RECEIVE ONE HOUR OF
39 CONTINUING EDUCATION CREDIT, UP TO A MAXIMUM OF EIGHTEEN HOURS, FOR ANY
40 TRIENNIAL PERIOD. EVIDENCE OF SUCH INSTRUCTION SHALL BE SUBMITTED, AND
41 CREDIT APPROVED, AS SPECIFIED BY THE COMMISSIONER.

42 5. ACUPUNCTURISTS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION
43 OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL PROVIDE SUCH
44 DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO PROVIDE SUCH
45 DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE AN ACT OF
46 MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION
47 SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

48 S 5. Paragraph a of subdivision 3 of section 6507 of the education
49 law, as amended by chapter 554 of the laws of 2013, is amended to read
50 as follows:

51 a. Establish standards for preprofessional and professional education,
52 experience and licensing examinations as required to implement the arti-
53 cle for each profession. Notwithstanding any other provision of law, the
54 commissioner shall establish standards requiring that all persons apply-
55 ing, on or after January first, nineteen hundred ninety-one, initially,
56 or for the renewal of, a license, registration or limited permit to be a

1 physician, chiropractor, dentist, registered nurse, podiatrist, ACUPUNC-
2 TURIST, optometrist, psychiatrist, psychologist, licensed master social
3 worker, licensed clinical social worker, licensed creative arts thera-
4 pist, licensed marriage and family therapist, licensed mental health
5 counselor, licensed psychoanalyst, dental hygienist, licensed behavior
6 analyst, or certified behavior analyst assistant shall, in addition to
7 all the other licensure, certification or permit requirements, have
8 completed two hours of coursework or training regarding the identifica-
9 tion and reporting of child abuse and maltreatment. The coursework or
10 training shall be obtained from an institution or provider which has
11 been approved by the department to provide such coursework or training.
12 The coursework or training shall include information regarding the phys-
13 ical and behavioral indicators of child abuse and maltreatment and the
14 statutory reporting requirements set out in sections four hundred thir-
15 teen through four hundred twenty of the social services law, including
16 but not limited to, when and how a report must be made, what other
17 actions the reporter is mandated or authorized to take, the legal
18 protections afforded reporters, and the consequences for failing to
19 report. Such coursework or training may also include information regard-
20 ing the physical and behavioral indicators of the abuse of individuals
21 with mental retardation and other developmental disabilities and volun-
22 tary reporting of abused or neglected adults to the office [of mental
23 retardation and] FOR PEOPLE WITH developmental disabilities or the local
24 adult protective services unit. Each applicant shall provide the depart-
25 ment with documentation showing that he or she has completed the
26 required training. The department shall provide an exemption from the
27 child abuse and maltreatment training requirements to any applicant who
28 requests such an exemption and who shows, to the department's satisfac-
29 tion, that there would be no need because of the nature of his or her
30 practice for him or her to complete such training;

31 S 6. Paragraph (a) of subdivision 1 of section 413 of the social
32 services law, as amended by chapter 126 of the laws of 2014, is amended
33 to read as follows:

34 (a) The following persons and officials are required to report or
35 cause a report to be made in accordance with this title when they have
36 reasonable cause to suspect that a child coming before them in their
37 professional or official capacity is an abused or maltreated child, or
38 when they have reasonable cause to suspect that a child is an abused or
39 maltreated child where the parent, guardian, custodian or other person
40 legally responsible for such child comes before them in their profes-
41 sional or official capacity and states from personal knowledge facts,
42 conditions or circumstances which, if correct, would render the child an
43 abused or maltreated child: any physician; registered physician assist-
44 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
45 osteopath; optometrist; chiropractor; podiatrist; ACUPUNCTURIST; resi-
46 dent; intern; psychologist; registered nurse; social worker; emergency
47 medical technician; licensed creative arts therapist; licensed marriage
48 and family therapist; licensed mental health counselor; licensed psycho-
49 analyst; licensed behavior analyst; certified behavior analyst assist-
50 ant; hospital personnel engaged in the admission, examination, care or
51 treatment of persons; a Christian Science practitioner; school official,
52 which includes but is not limited to school teacher, school guidance
53 counselor, school psychologist, school social worker, school nurse,
54 school administrator or other school personnel required to hold a teach-
55 ing or administrative license or certificate; social services worker;
56 director of a children's overnight camp, summer day camp or traveling

1 summer day camp, as such camps are defined in section thirteen hundred
2 ninety-two of the public health law; day care center worker; school-age
3 child care worker; provider of family or group family day care; employee
4 or volunteer in a residential care facility for children that is
5 licensed, certified or operated by the office of children and family
6 services; or any other child care or foster care worker; mental health
7 professional; substance abuse counselor; alcoholism counselor; all
8 persons credentialed by the office of alcoholism and substance abuse
9 services; peace officer; police officer; district attorney or assistant
10 district attorney; investigator employed in the office of a district
11 attorney; or other law enforcement official.

12 S 7. Paragraph (a) of subdivision 1 of section 413 of the social
13 services law, as separately amended by chapters 126 and 205 of the laws
14 of 2014, is amended to read as follows:

15 (a) The following persons and officials are required to report or
16 cause a report to be made in accordance with this title when they have
17 reasonable cause to suspect that a child coming before them in their
18 professional or official capacity is an abused or maltreated child, or
19 when they have reasonable cause to suspect that a child is an abused or
20 maltreated child where the parent, guardian, custodian or other person
21 legally responsible for such child comes before them in their profes-
22 sional or official capacity and states from personal knowledge facts,
23 conditions or circumstances which, if correct, would render the child an
24 abused or maltreated child: any physician; registered physician assist-
25 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
26 osteopath; optometrist; chiropractor; podiatrist; ACUPUNCTURIST; resi-
27 dent; intern; psychologist; registered nurse; social worker; emergency
28 medical technician; licensed creative arts therapist; licensed marriage
29 and family therapist; licensed mental health counselor; licensed psycho-
30 analyst; licensed behavior analyst; certified behavior analyst assist-
31 ant; hospital personnel engaged in the admission, examination, care or
32 treatment of persons; a Christian Science practitioner; school official,
33 which includes but is not limited to school teacher, school guidance
34 counselor, school psychologist, school social worker, school nurse,
35 school administrator or other school personnel required to hold a teach-
36 ing or administrative license or certificate; full or part-time compen-
37 sated school employee required to hold a temporary coaching license or
38 professional coaching certificate; social services worker; director of a
39 children's overnight camp, summer day camp or traveling summer day camp,
40 as such camps are defined in section thirteen hundred ninety-two of the
41 public health law; day care center worker; school-age child care worker;
42 provider of family or group family day care; employee or volunteer in a
43 residential care facility for children that is licensed, certified or
44 operated by the office of children and family services; or any other
45 child care or foster care worker; mental health professional; substance
46 abuse counselor; alcoholism counselor; all persons credentialed by the
47 office of alcoholism and substance abuse services; peace officer; police
48 officer; district attorney or assistant district attorney; investigator
49 employed in the office of a district attorney; or other law enforcement
50 official.

51 S 8. This act shall take effect October 1, 2016; provided, however,
52 that if chapter 205 of the laws of 2014 is not in effect on such effec-
53 tive date, then the amendments to paragraph (a) of subdivision 1 of
54 section 413 of the social services law made by section seven of this act
55 shall take effect on the same date and in the same manner as chapter 205
56 of the laws of 2014, as amended, takes effect; provided, however, that

1 effective immediately, the state education department is authorized to
2 take such steps in advance of such effective date, including the addi-
3 tion, amendment and/or repeal of any rule or regulation as may be neces-
4 sary, to ensure the timely implementation of the provisions of this act
5 on such effective date.