

7540

2015-2016 Regular Sessions

I N A S S E M B L Y

May 18, 2015

Introduced by M. of A. TEDISCO, BROOK-KRASNY, JOHNS, PALMESANO, CERETTO, DUPREY, TENNEY, HAWLEY -- Multi-Sponsored by -- M. of A. CROUCH, FINCH, KATZ, MAGEE, TITONE -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law and the public health law, in relation to mandatory reporting of suspected child abuse or maltreatment by certain persons

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 separately amended by chapters 126 and 205 of the laws
3 of 2014, is amended 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
13 abused or maltreated child: any physician; registered physician assist-
14 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
15 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
16 psychologist; registered nurse; social worker; emergency medical techni-
17 cian; licensed creative arts therapist; licensed marriage and family
18 therapist; licensed mental health counselor; licensed psychoanalyst;
19 licensed behavior analyst; certified behavior analyst assistant; hospi-
20 tal personnel engaged in the admission, examination, care or treatment
21 of persons; a Christian Science practitioner; school official, which
22 includes but is not limited to COLLEGE COACH, ATHLETIC DIRECTOR, PROFES-

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

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1 SOR, GRADUATE ASSISTANT, COLLEGE ADMINISTRATOR, COLLEGE PRESIDENT,
2 school teacher, school guidance counselor, school psychologist, school
3 social worker, school nurse, school administrator or other school
4 personnel required to hold a teaching or administrative license or
5 certificate; full or part-time compensated school employee required to
6 hold a temporary coaching license or professional coaching certificate;
7 social services worker; director OR ANY PAID STAFF MEMBER of a chil-
8 dren's overnight camp, summer day camp or traveling summer day camp, as
9 such camps are defined in section thirteen hundred ninety-two of the
10 public health law, SUCH PAID STAFF MEMBERS SHALL INCLUDE, BUT NOT BE
11 LIMITED TO, ANY INDIVIDUALS WHO MAY INTERACT WITH CHILDREN THROUGH
12 EMPLOYMENT AT SUCH CAMPS OR EMPLOYMENT AT PREMISES WHERE SUCH CAMPS ARE
13 LOCATED; day care center worker; school-age child care worker; provider
14 of family or group family day care; employee or volunteer in a residen-
15 tial care facility for children that is licensed, certified or operated
16 by the office of children and family services; or any other child care
17 or foster care worker; mental health professional; substance abuse coun-
18 selor; alcoholism counselor; all persons credentialed by the office of
19 alcoholism and substance abuse services; peace officer; police officer;
20 district attorney or assistant district attorney; investigator employed
21 in the office of a district attorney; or other law enforcement official.

22 S 2. Subdivision 2 of section 1392 of the public health law, as
23 amended by chapter 439 of the laws of 2009, is amended to read as
24 follows:

25 2. "Summer day camp" shall mean a property consisting of a tract of
26 land and any tents, vehicles, buildings or other structures that may be
27 pertinent to its use, any part of which may be occupied on a scheduled
28 basis at any time between June first and September fifteenth in any year
29 by children under sixteen years of age under general supervision, for
30 the purpose of ANY indoor or outdoor organized group activities, involv-
31 ing ONE OR MORE: (I) nonpassive recreational activities with significant
32 risk of injury, as such activities are defined by the department in
33 rules and regulations, OR (II) EDUCATIONAL PROGRAMS OR ACTIVITIES, for a
34 period of less than twenty-four hours on any day the property is so
35 occupied, and on which no provisions are made for overnight occupancy by
36 such children. The commissioner shall have the power to except by rule
37 from this article and the sanitary code a place, facility or activity
38 that is not within the intent of this definition, PROVIDED THAT NO
39 EXCEPTION MAY BE GRANTED TO A SUMMER DAY CAMP WHICH IS DEDICATED TO A
40 SINGLE ACTIVITY IF THAT ACTIVITY MEETS THE CRITERIA OF A NONPASSIVE
41 RECREATIONAL ACTIVITY WITH SIGNIFICANT RISK OF INJURY OR IS AN EDUCA-
42 TIONAL PROGRAM OR ACTIVITY.

43 S 3. This act shall take effect on the one hundred twentieth day after
44 it shall have become a law provided, however, that if chapter 205 of the
45 laws of 2014 shall not have taken effect on or before such date then
46 section one of this act shall take effect on the same date and in the
47 same manner as such chapter of the laws of 2014 takes effect. Effective
48 immediately, the addition, amendment and/or repeal of any rule or regu-
49 lation necessary for the implementation of this act on its effective
50 date is authorized to be made on or before such date.