

# STATE OF NEW YORK

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2017-2018 Regular Sessions

## IN SENATE

January 12, 2017

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Introduced by Sens. LAVALLE, AMEDORE, BROOKS, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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 licensure of dietitians and nutritionists; and repealing certain provisions of the education law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and declaration of purpose. The legis-  
2 lature finds that the application of scientific knowledge relating to  
3 dietetics and nutrition is important in effective care, treatment and  
4 prevention of disease or trauma and in the attainment and maintenance of  
5 health, and acknowledges that the rendering and communication of sound  
6 dietetic and nutrition services in hospitals, nursing homes, extended  
7 care and ambulatory care settings, school districts, health departments,  
8 private practice and consultation, and in other settings requires  
9 trained and competent professionals. The legislature further finds that  
10 it is necessary in the provision of medical nutrition therapy, and ther-  
11 apeutic diets, for such professionals to be licensed under article 157  
12 of the education law to ensure quality nutrition care, consisting of a  
13 nutrition assessment, nutrition diagnosis, nutrition intervention and  
14 the monitoring and evaluation of outcomes directly related to the nutri-  
15 tion care process. Therefore, it is hereby declared to be the purpose of  
16 this act to protect the health, safety, and welfare of the public by

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

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1 providing for the licensure and regulation of the activities of persons  
2 engaged in the practice of dietetics and nutrition.

3 § 2. Section 8000 of the education law, as added by chapter 635 of the  
4 laws of 1991, is amended to read as follows:

5 § 8000. Introduction. This article applies to the use of the titles  
6 [~~"certified dietitian" and "certified nutritionist"~~] "licensed nutri-  
7 tionist" or "LN" and "licensed dietitian/nutritionist" or "LDN" and the  
8 practice of dietetics and nutrition. The general provision for all  
9 professions contained in article one hundred thirty of this title shall  
10 apply to this article.

11 § 3. Section 8001 of the education law, as added by chapter 635 of the  
12 laws of 1991, is amended to read as follows:

13 § 8001. [~~Definitions~~] Dietetic and nutrition practice. [~~1. Dietetics~~  
14 ~~and nutrition are herein each defined as the integration and applica-~~  
15 ~~tion of principles derived from the sciences of nutrition, biochemistry,~~  
16 ~~physiology, food management and behavioral and social sciences to~~  
17 ~~achieve and maintain people's health.~~

18 ~~2. Where the title "certified dietitian" or "certified nutritionist"~~  
19 ~~is used in this article it shall mean "certified dietitian", "certified~~  
20 ~~dietician", or "certified nutritionist".~~

21 ~~3. A certified dietitian or certified nutritionist is one who engages~~  
22 ~~in the integration and application of principles derived from the~~  
23 ~~sciences of nutrition, biochemistry, physiology, food management and~~  
24 ~~behavioral and social sciences to achieve and maintain people's health,~~  
25 ~~and who is certified as such by the department pursuant to section eight~~  
26 ~~thousand four of this article. The primary function of a certified~~  
27 ~~dietitian or certified nutritionist is the provision of nutrition care~~  
28 ~~services that shall include:~~

29 ~~(a) Assessing nutrition needs and food patterns;~~  
30 ~~(b) Planning for and directing the provision of food appropriate for~~  
31 ~~physical and nutrition needs; and~~  
32 ~~(c) Providing nutrition counseling.]~~

33 1. Dietetic and nutrition practice is the application of medical  
34 nutrition therapy and elements of nutrition care, which includes nutri-  
35 tion assessment, nutrition diagnosis, diet or nutrition intervention,  
36 counseling, evaluation and monitoring for the prevention or treatment of  
37 nutrition related illnesses, nourishment and malnourishment.

38 2. A licensed nutritionist and licensed dietitian/nutritionist shall  
39 have the authority, as necessary, and limited to the practice of dietet-  
40 ics and nutrition, to order diagnostic tests and devices, and laboratory  
41 tests, as established by the board in accordance with the commissioner's  
42 regulations.

43 3. A licensed nutritionist and licensed dietitian/nutritionist may  
44 order, write, review, evaluate, monitor and manage therapeutic diets  
45 including enteral and parenteral diets.

46 § 4. The education law is amended by adding a new section 8001-a to  
47 read as follows:

48 § 8001-a. Definitions. For purposes of this article: 1. "Medical  
49 nutrition therapy" is an evidence based application of nutrition care  
50 focused on prevention, delay or management of diseases and conditions,  
51 and involves an in-depth assessment, intervention and periodic reassess-  
52 ment.

53 2. "Nutrition diagnosis" in the context of dietetics and nutrition  
54 practice means the identification and labeling of existing nutrition  
55 problems expressed in terms of etiology, signs and symptoms. Nutrition  
56 diagnosis is distinct from a medical diagnosis. Nothing in this section

1 shall authorize a licensed nutritionist or licensed  
2 dietitian/nutritionist to make a medical diagnosis.

3 3. "Nutrition assessment" means the systematic process of obtaining,  
4 verifying, and interpreting biochemical, anthropometric, nutrigenomic,  
5 physical and dietary data in order to make decisions about the nature  
6 and cause of nutrition related problems. The mere collection of these  
7 data for use in a nutrition assessment is not a nutrition assessment and  
8 does not require a license in dietetics and nutrition as set forth in  
9 this article.

10 4. "Nutrition intervention" is a purposefully planned action, includ-  
11 ing, but not limited to, the recommendation or ordering of food and  
12 nutrition supplements designed to positively change nutrition related  
13 behavior, risk factor, environmental condition or aspects of health  
14 status for individuals, groups, or the community.

15 § 5. Section 8002 of the education law, as added by chapter 635 of the  
16 laws of 1991, is amended to read as follows:

17 § 8002. ~~[Use]~~ Practice and authorization of titles. Only a person  
18 ~~[certified]~~ licensed or otherwise authorized under this article shall  
19 ~~[be authorized to]~~ practice dietetics and nutrition or use the title  
20 ~~["certified dietitian", "certified dietician", or "certified nutrition-~~  
21 ~~ist"]~~ "licensed nutritionist" or "LN" or "licensed  
22 dietitian/nutritionist" or "LDN"; provided, however, that nothing in  
23 this article shall prevent an individual from using any title obtained  
24 from a national credentialing body.

25 § 6. Section 8003 of the education law, as amended by chapter 282 of  
26 the laws of 1992, is amended to read as follows:

27 § 8003. State board for dietetics and nutrition. A state board for  
28 dietetics and nutrition shall be appointed by the board of regents, on  
29 recommendation of the commissioner, for the purpose of assisting the  
30 board of regents and the department on matters of ~~[certification]~~ licen-  
31 sure, practice and professional conduct in accordance with section  
32 sixty-five hundred eight of this ~~[chapter]~~ title.

33 The board shall consist of not less than ~~[thirteen]~~ eleven members,  
34 ~~[ten]~~ four of whom shall be ~~[certified dietitians or certified nutri-~~  
35 ~~tionists, except that the members of the first board need not be certi-~~  
36 ~~fied but shall be persons who are eligible for certification under the~~  
37 ~~provisions of this article prior to their appointment to the board]~~  
38 licensed dietitian/nutritionists and four of whom shall be licensed  
39 nutritionists pursuant to this article. The ~~[first]~~ board, with respect  
40 to members representing the profession, shall consist of ~~[five]~~ four  
41 members ~~[registered]~~ credentialed by a national dietetic association  
42 having ~~[registration]~~ credentialing standards acceptable to the depart-  
43 ment and ~~[five]~~ four members who are ~~[members of or registered]~~ creden-  
44 tialed by a national nutritional association having ~~[membership and/or~~  
45 ~~registration]~~ credentialing standards acceptable to the department;  
46 provided, however, that no such credentialed member shall be also  
47 credentialed by a national nutrition association, nor a national dietet-  
48 ic association, respectively. ~~[Thereafter, members of the profession~~  
49 ~~appointed to such board shall be certified pursuant to this article. To~~  
50 ~~the extent reasonable, the board of regents should insure the state~~  
51 ~~board is broadly representative of various professional interests within~~  
52 ~~the dietetic and nutritional community. Three members]~~ Two members  
53 shall be representatives of the general public and one member shall be a  
54 physician licensed under article one hundred thirty-one of this title.  
55 Such physician member shall not be a member of or credentialed by a  
56 national dietetic or national nutrition association. An executive secre-

tary to the board shall be appointed by the board of regents on the recommendation of the commissioner.

§ 7. Section 8004 of the education law is REPEALED and a new section 8004 is added to read as follows:

§ 8004. Requirements for professional license. 1. To qualify for a license as a licensed nutritionist, an applicant shall fulfill the following requirements:

(a) File an application with the department;

(b) Education:

(1) Have received a master's or doctoral degree in nutrition or a nutrition-related science from a program registered by the department or determined by the department to be the substantial equivalent, in accordance with the commissioner's regulations; or a master's or doctoral degree in a healthcare field from a program registered by the department or determined by the department to be the substantial equivalent, in accordance with the commissioner's regulations; and

(2) Have completed coursework covering content areas including but not limited to:

(i) Biochemistry;

(ii) Metabolism in health and disease;

(iii) Anatomy and physiology;

(iv) Clinical and life sciences;

(v) Human nutrition, across the life cycle in health and disease;

(vi) Nutrition assessment and evaluation;

(vii) Medical nutrition therapy, planning and implementation;

(viii) Food content, safety and quality; and

(ix) Professional orientation and ethics.

(c) Experience:

(1) Complete a minimum of one thousand hours of supervised experience relevant to the practice of dietetics and nutrition in a planned, continuous experience satisfactory to the department and in accordance with the commissioner's regulations. A practicum completed as part of a graduate level program shall be considered supervised experience for the purposes of this paragraph in accordance with the commissioner's regulations.

(2) Supervised experience shall be under the supervision of an individual with experience in the practice of dietetics and nutrition who is licensed under this article or is a licensed healthcare professional under this title, satisfactory to the department and in accordance with the commissioner's regulations. Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a of this title and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience.

(3) Experience obtained prior to the effective date of this section shall have been supervised by a certified dietitian/nutritionist or by an individual credentialed by or recognized as a supervisor by a national dietetic credentialing organization or national nutritional

1 credentialing organization. Such national credentialing organizations  
2 must be accredited by the national commission for certifying agencies,  
3 and approved by the department as having credentialing standards  
4 substantially equivalent to standards set forth for licensure pursuant  
5 to this article.

6 (4) Experience shall be relevant to the practice of dietetics and  
7 nutrition under varying conditions of health and disease, social, phys-  
8 ical, psychological and economic status.

9 (d) Examination: Pass an examination satisfactory to the board and in  
10 accordance with the commissioner's regulations; provided that such exam-  
11 ination shall test a level of knowledge and experience equivalent to  
12 that obtained by an individual satisfactorily meeting the requirements  
13 of paragraphs (b) and (c) of this subdivision;

14 (e) Pay a fee of one hundred seventy-five dollars to the department  
15 for admission to a department conducted examination and/or initial  
16 certification, a fee of eighty-five dollars for each reexamination, a  
17 fee of one hundred fifteen dollars for an initial certification for  
18 persons not requiring admission to a department conducted examination, a  
19 fee of one hundred seventy-five dollars for each triennial registration  
20 period;

21 (f) Be at least eighteen years of age; and

22 (g) Be of good moral character as determined by the department.

23 2. To qualify for a license as a licensed dietitian/nutritionist, an  
24 applicant shall fulfill the following requirements:

25 (a) File an application with the department;

26 (b) Education: Have received an education, including a bachelor's  
27 degree or higher in dietetics and nutrition from a program registered  
28 with the department, or determined by the department to be the substan-  
29 tial equivalent thereof, in accordance with commissioner's regulations;  
30 or post graduate completion of a graduate coursework in dietetics and  
31 nutrition from a program registered by the department or determined by  
32 the department to be the substantial equivalent thereof, in accordance  
33 with the commissioner's regulations. The coursework in dietetics and  
34 nutrition shall include but not be limited to the following areas:

35 (1) Physical and life sciences, including organic chemistry, biochem-  
36 istry, physiology, genetics, microbiology, pharmacology, statistics,  
37 nutrient metabolism and nutrition across the lifespan;

38 (2) Human behavior and diversity, such as psychology or sociology and  
39 counseling methods;

40 (3) Professional practice and ethics;

41 (4) Nutrition care including Medical Nutrition Therapy, nutrition  
42 diagnosis and enteral and parenteral nutrition;

43 (5) Role of environment, food, nutrition and lifestyle choices in  
44 health promotion and disease prevention; and

45 (6) Principles of food science and food preparation, and food systems  
46 management.

47 (c) Experience:

48 (1) Complete a minimum of one thousand hours of supervised experience  
49 relevant to the practice of dietetics and nutrition in a planned,  
50 continuous, experience program satisfactory to the department and in  
51 accordance with the commissioner's regulations. A practicum completed as  
52 part of an education program shall be considered supervised experience  
53 for purposes of this paragraph in accordance with the commissioner's  
54 regulations.

55 (2) Supervised experience shall be under the supervision of a licensed  
56 dietitian/nutritionist licensed under this article. Satisfactory experi-

1 ence obtained in an entity operating under a waiver issued by the  
2 department pursuant to section sixty-five hundred three-a of this title  
3 may be accepted by the department notwithstanding that such experience  
4 may have been obtained prior to the effective date of such section  
5 sixty-five hundred three-a of this title and/or prior to the entity  
6 having obtained a waiver. The department may, for good cause shown,  
7 accept satisfactory experience that was obtained in a setting that would  
8 have been eligible for a waiver but which has not obtained a waiver from  
9 the department or experience that was obtained in good faith by the  
10 applicant under the belief that appropriate authorization had been  
11 obtained for the experience, provided that such experience meets all  
12 other requirements for acceptable experience.

13 (3) Experience obtained prior to the effective date of this section  
14 shall have been supervised by a certified dietitian/nutritionist or by  
15 an individual credentialed by or recognized as a supervisor by a  
16 national dietetic credentialing organization or national nutritional  
17 credentialing organization. Such national credentialing organizations  
18 must be accredited by the national commission for certifying agencies,  
19 and approved by the department as having credentialing standards  
20 substantially equivalent to standards set forth for licensure pursuant  
21 to this article.

22 (4) Experience shall be relevant to the practice of dietetics and  
23 nutrition under varying conditions of health and disease, social, phys-  
24 ical, psychological and economic status.

25 (d) Examination: Pass an examination satisfactory to the board and in  
26 accordance with the commissioner's regulations; provided that such exam-  
27 ination shall test a level of knowledge and experience equivalent to  
28 that obtained by an individual satisfactorily meeting the requirements  
29 of paragraphs (b) and (c) of this subdivision;

30 (e) Pay a fee of one hundred seventy-five dollars to the department  
31 for admission to a department conducted examination and/or initial  
32 certification, a fee of eighty-five dollars for each reexamination, a  
33 fee of one hundred fifteen dollars for an initial certification for  
34 persons not requiring admission to a department conducted examination, a  
35 fee of one hundred seventy-five dollars for each triennial registration  
36 period;

37 (f) Be at least eighteen years of age; and

38 (g) Be of good moral character as determined by the department.

39 § 8. Section 8005 of the education law is REPEALED.

40 § 9. Section 8006 of the education law, as added by chapter 635 of the  
41 laws of 1991 and subdivision 2 as amended by chapter 282 of the laws of  
42 1992, is amended to read as follows:

43 § 8006. Special conditions. ~~[A person shall be certified without~~  
44 ~~examination provided that, within three years of the effective date of~~  
45 ~~this article, the individual:~~

46 ~~1. files an application and pays the appropriate fees to the depart-~~  
47 ~~ment; and~~

48 ~~2. (a) is registered as a dietitian or nutritionist by a national~~  
49 ~~dietetic or national nutrition association having registration standards~~  
50 ~~acceptable to the department;~~

51 ~~(b) meets the requirements of subparagraph one of paragraph (a) of~~  
52 ~~subdivision two and subdivision five of section eight thousand four of~~  
53 ~~this article and has been actively engaged in the provision of nutrition~~  
54 ~~care services for a minimum of three years during the five years imme-~~  
55 ~~diately preceding the effective date of this article; or~~



~~(c) meets all the requirements of paragraph (b) of subdivision two and subdivision five of section eight thousand four of this article.] 1. Any person who is licensed as a certified dietitian or a certified nutritionist (CDN) on the effective date of the chapter of the laws of two thousand eighteen, which amended this section, shall be licensed as a licensed dietitian/nutritionist without meeting any additional requirements.~~

2. Any non-exempt person practicing the professions to be licensed pursuant to this article shall apply for a license within one year of the effective date of this section.

3. Any non-exempt person practicing the profession that meets the requirements for a license, except for experience, as a licensed dietitian/nutritionist as established in this article, such person shall be eligible for a license as a dietitian/nutritionist until two years after the effective date of this section if the applicant submits evidence of having nine hundred hours of supervised experience satisfactory to the department.

§ 10. The education law is amended by adding four new sections 8007, 8008, 8009 and 8010 to read as follows:

§ 8007. Exemptions. This article shall not be construed to affect or prevent:

1. A licensed physician from practicing his or her profession as defined under articles one hundred thirty-one and one hundred thirty-one-B of this title; a registered professional nurse or a certified nurse practitioner practicing his or her profession as defined under article one hundred thirty-nine of this title; or qualified members of other professions licensed under this title from performing work incidental to the practice of their professions, except that such persons may not hold themselves out under the title authorized by this article;

2. A student, intern or resident from engaging in the practice of dietetics or nutrition while participating in the education or experience requirements defined in paragraphs (b) and (c) of subdivisions one and two of section eight thousand four of this article;

3. Any person who does not hold himself or herself out to be licensed pursuant to this article from furnishing to individuals or groups general non-medical nutrition information guidance, encouragement; or individualized non-medical nutrition recommendations on food or dietary supplements for the purpose of primary prevention or maintenance of good health; or engaging in the explanation to customers about food or food products in connection with the marketing and distribution of those products; provided that nothing in this subdivision shall be deemed to authorize the provision of medical nutrition therapy. For purposes of this subdivision, "general non-medical nutrition information" and "individualized non-medical nutrition recommendations" means information or recommendations on the following: (a) Principles of good nutrition and food preparation; (b) Food to be included in the normal daily diet; (c) The essential nutrients needed by the body; (d) Recommended amounts of the essential nutrients, based on established standards; (e) The actions of nutrients on the body; (f) The effects of deficiencies or excesses of nutrients; (g) Food and supplements that are good sources of essential nutrients; or (h) Evidence based recommendations on nutrition and diet to maintain good health and for the purposes of primary prevention;

4. A person who does not hold himself or herself out to be a licensed dietitian/nutritionist or a licensed nutritionist from providing general non-medical nutrition information and individualized non-medical recom-

1 mendations as defined in subdivision three of this section if employed  
2 by or operating a health weight loss or fitness program;

3 5. An individual employed by a WIC program as a "competent profes-  
4 sional authority" as defined in 7 C.F.R § 246.2 (1895) from providing  
5 nutrition services within such WIC program. For the purpose of this  
6 subdivision the term "WIC program" shall mean a program authorized by 42  
7 U.S.C. § 1786; and

8 6. A diet or nutrition technician, as defined by the commissioner,  
9 authorized by the department and under the direction and supervision of  
10 a licensed dietitian/nutritionist or licensed nutritionist employed in a  
11 hospital, including any diagnostic center, treatment center, or hospi-  
12 tal-based outpatient department, residential health care facility or  
13 nursing home or any facility as defined in section twenty-eight hundred  
14 one of the public health law, a home care services agency licensed or  
15 certified as defined in section twenty-eight hundred five-x of the  
16 public health law, a hospice program certified pursuant to article forty  
17 of the public health law, or an enhanced assisted living residence as  
18 defined in section forty-six hundred fifty-one of the public health law  
19 and certified and licensed pursuant to article forty-six-B of the public  
20 health law. Such diet or nutrition technician shall be individuals who  
21 have met standards, including those relating to education, examination,  
22 character, and may include standards related to experience, as promul-  
23 gated in regulations by the commissioner. Such individual shall be  
24 subject to full disciplinary and regulatory authority of the board of  
25 regents and the state education department, pursuant to this title, as  
26 if such authorization were a professional license issued under this  
27 article. The application fee for such authorization shall be established  
28 in regulation by the department. Each authorized diet or nutrition tech-  
29 nician shall register with the department every three years and shall  
30 pay a registration fee established in regulation by the department.

31 § 8008. Limited permit. 1. The department shall issue a limited permit  
32 to an applicant for licensure who has met the requirements of paragraph  
33 (b) of subdivision two of section eight thousand four of this article.

34 2. The duration of a limited permit shall not exceed two years from  
35 the time of its first issue and the department may for good cause renew  
36 a limited permit for an additional one year provided that no applicant  
37 shall practice under any limited permit for more than a total of three  
38 years.

39 3. All practice under a limited permit shall be under the supervision  
40 of individuals licensed pursuant to this article and meet the require-  
41 ments of paragraph (c) of subdivision one or paragraph (c) of subdivi-  
42 sion two of section eight thousand four of this article.

43 4. The fee for each limited permit shall be seventy-five dollars.

44 § 8009. Hospital privileges. Nothing herein contained shall be deemed  
45 to authorize, grant, or extend hospital privileges to individuals  
46 licensed under this article.

47 § 8010. Boundaries of professional competency. 1. It shall be deemed  
48 practicing outside the boundaries of his or her professional competence  
49 for a person licensed pursuant to this article, in the case of treatment  
50 of any serious mental illness, to provide any mental health service for  
51 such illness on a continuous and sustained basis without a medical eval-  
52 uation of the illness by, and consultation with, a physician regarding  
53 such illness. Such medical evaluation and consultation shall be to  
54 determine and advise whether any medical care is indicated for such  
55 illness. For purposes of this section, "serious mental illness" means  
56 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-



sive disorder, panic disorder, obsessive-compulsive disorder, attention-deficit hyperactivity disorder and autism.

2. Any individual whose license or authority to practice derives from the provisions of this article shall be prohibited from:

(a) Prescribing or administering drugs as defined in this chapter as a treatment, therapy, or professional service in the practice of his or her profession; and

(b) Using invasive procedures as a treatment, therapy, or professional service in the practice of his or her profession. For purposes of this subdivision, "invasive procedure" means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical or other means. Invasive procedure includes surgery, lasers, ionizing radiation, therapeutic ultrasound, or electroconvulsive therapy.

§ 11. Subparagraph (i) of paragraph a of subdivision 1 of section 6503-a of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(i) services provided under article one hundred fifty-four, one hundred fifty-seven, one hundred sixty-three or one hundred sixty-seven of this title for which licensure would be required, or

§ 12. Section 6505-b of the education law, as amended by chapter 477 of the laws of 2008, is amended to read as follows:

§ 6505-b. Course work or training in infection control practices. Every dentist, registered nurse, licensed practical nurse, podiatrist, optometrist and dental hygienist, licensed nutritionist, and licensed dietitian/nutritionist practicing in the state shall, on or before July first, nineteen hundred ninety-four and every four years thereafter, complete course work or training appropriate to the professional's practice approved by the department regarding infection control and barrier precautions, including engineering and work practice controls, in accordance with regulatory standards promulgated by the department, in consultation with the department of health, which shall be consistent, as far as appropriate, with such standards adopted by the department of health pursuant to section two hundred thirty-nine of the public health law to prevent the transmission of HIV, HBV or HCV in the course of professional practice. Each such professional shall document to the department at the time of registration commencing with the first registration after July first, nineteen hundred ninety-four that the professional has completed course work or training in accordance with this section, provided, however that a professional subject to the provisions of paragraph (f) of subdivision one of section twenty-eight hundred five-k of the public health law shall not be required to so document. The department shall provide an exemption from this requirement to anyone who requests such an exemption and who (i) clearly demonstrates to the department's satisfaction that there would be no need for him or her to complete such course work or training because of the nature of his or her practice or (ii) that he or she has completed course work or training deemed by the department to be equivalent to the course work or training approved by the department pursuant to this section. The department shall consult with organizations representative of professions, institutions and those with expertise in infection control and HIV, HBV and HCV with respect to the regulatory standards promulgated pursuant to this section.

§ 13. Section 6505-b of the education law, as amended by chapter 347 of the laws of 2017, is amended to read as follows:

§ 6505-b. Course work or training in infection control practices. Every dentist, registered nurse, licensed practical nurse, podiatrist,

1 optometrist and dental hygienist, licensed nutritionist, and licensed  
2 dietitian/nutritionist practicing in the state shall, on or before July  
3 first, nineteen hundred ninety-four and every four years thereafter,  
4 complete course work or training appropriate to the professional's prac-  
5 tice approved by the department regarding infection control, which shall  
6 include sepsis, and barrier precautions, including engineering and work  
7 practice controls, in accordance with regulatory standards promulgated  
8 by the department, in consultation with the department of health, which  
9 shall be consistent, as far as appropriate, with such standards adopted  
10 by the department of health pursuant to section two hundred thirty-nine  
11 of the public health law to prevent the transmission of HIV, HBV, HCV  
12 and sepsis in the course of professional practice. Each such profes-  
13 sional shall document to the department at the time of registration  
14 commencing with the first registration after July first, nineteen  
15 hundred ninety-four that the professional has completed course work or  
16 training in accordance with this section, provided, however that a  
17 professional subject to the provisions of paragraph (f) of subdivision  
18 one of section twenty-eight hundred five-k of the public health law  
19 shall not be required to so document. The department shall provide an  
20 exemption from this requirement to anyone who requests such an exemption  
21 and who (i) clearly demonstrates to the department's satisfaction that  
22 there would be no need for him or her to complete such course work or  
23 training because of the nature of his or her practice or (ii) that he or  
24 she has completed course work or training deemed by the department to be  
25 equivalent to the course work or training approved by the department  
26 pursuant to this section. The department shall consult with organiza-  
27 tions representative of professions, institutions and those with exper-  
28 tise in infection control and HIV, HBV, HCV and sepsis with respect to  
29 the regulatory standards promulgated pursuant to this section.

30 § 14. Paragraph a of subdivision 3 of section 6507 of the education  
31 law, as amended by chapter 554 of the laws of 2013, is amended to read  
32 as follows:

33 a. Establish standards for preprofessional and professional education,  
34 experience and licensing examinations as required to implement the arti-  
35 cle for each profession. Notwithstanding any other provision of law, the  
36 commissioner shall establish standards requiring that all persons apply-  
37 ing, on or after January first, nineteen hundred ninety-one, initially,  
38 or for the renewal of, a license, registration or limited permit to be a  
39 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
40 trist, psychiatrist, psychologist, licensed master social worker,  
41 licensed clinical social worker, licensed creative arts therapist,  
42 licensed marriage and family therapist, licensed mental health counse-  
43 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
44 analyst, ~~[or]~~ certified behavior analyst assistant or licensed nutri-  
45 tionist or licensed dietitian/nutritionist shall, in addition to all the  
46 other licensure, certification or permit requirements, have completed  
47 two hours of coursework or training regarding the identification and  
48 reporting of child abuse and maltreatment. The coursework or training  
49 shall be obtained from an institution or provider which has been  
50 approved by the department to provide such coursework or training. The  
51 coursework or training shall include information regarding the physical  
52 and behavioral indicators of child abuse and maltreatment and the statu-  
53 tory reporting requirements set out in sections four hundred thirteen  
54 through four hundred twenty of the social services law, including but  
55 not limited to, when and how a report must be made, what other actions  
56 the reporter is mandated or authorized to take, the legal protections

1 afforded reporters, and the consequences for failing to report. Such  
2 coursework or training may also include information regarding the phys-  
3 ical and behavioral indicators of the abuse of individuals with mental  
4 retardation and other developmental disabilities and voluntary reporting  
5 of abused or neglected adults to the office of mental retardation and  
6 developmental disabilities or the local adult protective services unit.  
7 Each applicant shall provide the department with documentation showing  
8 that he or she has completed the required training. The department shall  
9 provide an exemption from the child abuse and maltreatment training  
10 requirements to any applicant who requests such an exemption and who  
11 shows, to the department's satisfaction, that there would be no need  
12 because of the nature of his or her practice for him or her to complete  
13 such training;

14 § 15. Paragraph (a) of subdivision 1 of section 413 of the social  
15 services law, as amended by section 2 of part Q of chapter 56 of the  
16 laws of 2017, is amended to read as follows:

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

54 § 16. Subdivision 5-a of section 488 of the social services law, as  
55 amended by chapter 205 of the laws of 2014, is amended to read as  
56 follows:

1 5-a. "Human services professional" shall mean any: physician; regis-  
2 tered physician assistant; surgeon; medical examiner; coroner; dentist;  
3 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;  
4 resident; intern; psychologist; registered nurse; licensed practical  
5 nurse; nurse practitioner; social worker; emergency medical technician;  
6 licensed creative arts therapist; licensed marriage and family thera-  
7 pist; licensed mental health counselor; licensed psychoanalyst; licensed  
8 behavior analyst; certified behavior analyst assistant; licensed  
9 speech/language pathologist or audiologist; licensed physical therapist;  
10 licensed occupational therapist; licensed nutritionist; licensed  
11 dietitian/nutritionist; hospital personnel engaged in the admission,  
12 examination, care or treatment of persons; Christian Science practition-  
13 er; school official, which includes but is not limited to school teach-  
14 er, school guidance counselor, school psychologist, school social work-  
15 er, school nurse, school administrator or other school personnel  
16 required to hold a teaching or administrative license or certificate;  
17 full or part-time compensated school employee required to hold a tempo-  
18 rary coaching license or professional coaching certificate; social  
19 services worker; any other child care or foster care worker; mental  
20 health professional; person credentialed by the office of alcoholism and  
21 substance abuse services; peace officer; police officer; district attor-  
22 ney or assistant district attorney; investigator employed in the office  
23 of a district attorney; or other law enforcement official.

24 § 17. This act shall take effect one year after it shall have become a  
25 law; provided however, that:

26 1. effective immediately, the addition, amendment and/or repeal of any  
27 rule or regulation necessary for the implementation of this act on its  
28 effective date are authorized and directed to be made and completed by  
29 the department of education on or before such effective date; and

30 2. provided, however, that if chapter 347 of the laws of 2017 shall  
31 not have taken effect on or before such date then section thirteen of  
32 this act shall take effect on the same date and in the same manner as  
33 such chapter of the laws of 2017, takes effect.