

STATE OF NEW YORK

8504

2017-2018 Regular Sessions

IN ASSEMBLY

June 16, 2017

Introduced by M. of A. JAFFEE -- read once and referred to the Committee on Higher Education

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
17 providing for the licensure and regulation of the activities of persons
18 engaged in the practice of dietetics and nutrition.

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

21 § 8000. Introduction. This article applies to the use of the titles
22 [~~"certified dietitian" and "certified nutritionist"~~] licensed nutrition-
23 ist or "LN" and "licensed dietitian/nutritionist" or "LDN" and the prac-
24 tice of dietetics and nutrition. The general provision for all

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

LBD13166-01-7

1 professions contained in article one hundred thirty of this title shall
2 apply to this article.

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

5 § 8001. [~~Definitions~~] Dietetic and nutrition practice. [~~1. Dietetics
6 and nutrition are herein each defined as the integration and applica-
7 tion of principles derived from the sciences of nutrition, biochemistry,
8 physiology, food management and behavioral and social sciences to
9 achieve and maintain people's health.~~

10 ~~2. Where the title "certified dietitian" or "certified nutritionist"
11 is used in this article it shall mean "certified dietitian", "certified
12 dietitian", or "certified nutritionist".~~

13 ~~3. A certified dietitian or certified nutritionist is one who engages
14 in the integration and application of principles derived from the
15 sciences of nutrition, biochemistry, physiology, food management and
16 behavioral and social sciences to achieve and maintain people's health,
17 and who is certified as such by the department pursuant to section eight
18 thousand four of this article. The primary function of a certified
19 dietitian or certified nutritionist is the provision of nutrition care
20 services that shall include:~~

21 ~~(a) Assessing nutrition needs and food patterns;~~

22 ~~(b) Planning for and directing the provision of food appropriate for
23 physical and nutrition needs; and~~

24 ~~(c) Providing nutrition counseling.]~~

25 1. Dietetic and nutrition practice is the application of medical
26 nutrition therapy and elements of nutrition care, which includes nutri-
27 tion assessment, nutrition diagnosis, diet or nutrition intervention,
28 counseling, evaluation and monitoring for the prevention or treatment of
29 nutrition related illnesses, nourishment and malnourishment.

30 2. A licensed nutritionist and licensed dietitian/nutritionist shall
31 have the authority, as necessary, and limited to the practice of dietet-
32 ics and nutrition, to order diagnostic tests and devices, and laboratory
33 tests, as established by the board in accordance with the commissioner's
34 regulations.

35 3. A licensed nutritionist and licensed dietitian/nutritionist may
36 order, write, review, evaluate, monitor and manage therapeutic diets
37 including enteral and parenteral diets.

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

40 § 8001-a. Definitions. For purposes of this article: 1. "Medical
41 nutrition therapy" is an evidence based application of nutrition care
42 focused on prevention, delay or management of diseases and conditions,
43 and involves an in-depth assessment, intervention and periodic reassess-
44 ment.

45 2. "Nutrition diagnosis" in the context of dietetics and nutrition
46 practice means the identification and labeling of existing nutrition
47 problems expressed in terms of etiology, signs and symptoms. Nutrition
48 diagnosis is distinct from a medical diagnosis. Nothing in this section
49 shall authorize a licensed nutritionist or licensed
50 dietitian/nutritionist to make a medical diagnosis.

51 3. "Nutrition assessment" means the systematic process of obtaining,
52 verifying, and interpreting biochemical, anthropometric, nutrigenomic,
53 physical and dietary data in order to make decisions about the nature
54 and cause of nutrition related problems. The mere collection of these
55 data for use in a nutrition assessment is not a nutrition assessment and

1 does not require a license in dietetics and nutrition as set forth in
2 this article.

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

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

10 § 8002. [~~Use~~] Practice and authorization of titles. Only a person
11 [~~certified~~] licensed or otherwise authorized under this article shall
12 [~~be authorized to~~] practice dietetics and nutrition or use the title
13 [~~"certified dietitian", "certified dietician", or "certified nutrition-~~
14 ~~ist"~~] "licensed nutritionist" or "LN" or "licensed
15 dietitian/nutritionist" or "LDN"; provided, however, that nothing in
16 this article shall prevent an individual from using any title obtained
17 from a national credentialing body.

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

20 § 8003. State board for dietetics and nutrition. A state board for
21 dietetics and nutrition shall be appointed by the board of regents, on
22 recommendation of the commissioner, for the purpose of assisting the
23 board of regents and the department on matters of [~~certification~~] licen-
24 sure, practice and professional conduct in accordance with section
25 sixty-five hundred eight of this [~~chapter~~] title.

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

52 § 7. Section 8004 of the education law is REPEALED and a new section
53 8004 is added to read as follows:

54 § 8004. Requirements for professional license. 1. To qualify for a
55 license as a licensed nutritionist, an applicant shall fulfill the
56 following requirements:

1 (a) File an application with the department;

2 (b) Education:

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

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

12 (i) Biochemistry;

13 (ii) Metabolism in health and disease;

14 (iii) Anatomy and physiology;

15 (iv) Clinical and life sciences;

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

17 (vi) Nutrition assessment and evaluation;

18 (vii) Medical nutrition therapy, planning and implementation;

19 (viii) Food content, safety and quality; and

20 (ix) Professional orientation and ethics.

21 (c) Experience:

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

29 (2) Supervised experience shall be under the supervision of an indi-
30 vidual with experience in the practice of dietetics and nutrition who is
31 licensed under this article or is a licensed healthcare professional
32 under this title, satisfactory to the department and in accordance with
33 the commissioner's regulations. Satisfactory experience obtained in an
34 entity operating under a waiver issued by the department pursuant to
35 section sixty-five hundred three-a of this title may be accepted by the
36 department notwithstanding that such experience may have been obtained
37 prior to the effective date of such section sixty-five hundred three-a
38 of this title and/or prior to the entity having obtained a waiver. The
39 department may, for good cause shown, accept satisfactory experience
40 that was obtained in a setting that would have been eligible for a waiv-
41 er but which has not obtained a waiver from the department or experience
42 that was obtained in good faith by the applicant under the belief that
43 appropriate authorization had been obtained for the experience, provided
44 that such experience meets all other requirements for acceptable experi-
45 ence.

46 (3) Experience obtained prior to the effective date of this article
47 shall have been supervised by a certified dietitian/nutritionist or by
48 an individual credentialed by or recognized as a supervisor by a
49 national dietetic credentialing organization or national nutritional
50 credentialing organization. Such national credentialing organizations
51 must be accredited by the national commission for certifying agencies,
52 and approved by the department as having credentialing standards
53 substantially equivalent to standards set forth for licensure pursuant
54 to this article.

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

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

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

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

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

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

20 (a) File an application with the department;

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

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

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

35 (3) Professional practice and ethics;

36 (4) Nutrition care including Medical Nutrition Therapy, nutrition
37 diagnosis and enteral and parenteral nutrition;

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

40 (6) Principles of food science and food preparation, and food systems
41 management.

42 (c) Experience:

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

50 (2) Supervised experience shall be under the supervision of a licensed
51 dietitian/nutritionist licensed under this article. Satisfactory experi-
52 ence obtained in an entity operating under a waiver issued by the
53 department pursuant to section sixty-five hundred three-a of this title
54 may be accepted by the department notwithstanding that such experience
55 may have been obtained prior to the effective date of such section
56 sixty-five hundred three-a of this title and/or prior to the entity

1 having obtained a waiver. The department may, for good cause shown,
2 accept satisfactory experience that was obtained in a setting that would
3 have been eligible for a waiver but which has not obtained a waiver from
4 the department or experience that was obtained in good faith by the
5 applicant under the belief that appropriate authorization had been
6 obtained for the experience, provided that such experience meets all
7 other requirements for acceptable experience.

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

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

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

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

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

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

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

35 § 9. Section 8006 of the education law, as added by chapter 635 of the
36 laws of 1991 and subdivision 2 as amended by chapter 282 of the laws of
37 1992, is amended to read as follows:

38 § 8006. Special conditions. [~~A person shall be certified without~~
39 ~~examination provided that, within three years of the effective date of~~
40 ~~this article, the individual:~~

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

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

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

51 ~~(c) meets all the requirements of paragraph (b) of subdivision two and~~
52 ~~subdivision five of section eight thousand four of this article.] 1. Any~~

53 person who is licensed as a certified dietitian or a certified nutri-
54 tionist (CDN) on the effective date of the chapter of the laws of two
55 thousand seventeen, which amended this section, shall be licensed as a

1 licensed dietitian/nutritionist without meeting any additional require-
2 ments.

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

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

13 § 10. The education law is amended by adding four new sections 8007,
14 8008, 8009 and 8010 to read as follows:

15 § 8007. Exemptions. This article shall not be construed to affect or
16 prevent:

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

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

29 3. Any person who does not hold himself or herself out to be licensed
30 pursuant to this article from furnishing to individuals or groups gener-
31 al non-medical nutrition information guidance, encouragement; or indi-
32 vidualized non-medical nutrition recommendations on food or dietary
33 supplements for the purpose of primary prevention or maintenance of good
34 health; or engaging in the explanation to customers about food or food
35 products in connection with the marketing and distribution of those
36 products; provided that nothing in this subdivision shall be deemed to
37 authorize the provision of medical nutrition therapy. For purposes of
38 this subdivision, "general non-medical nutrition information" and "indi-
39 vidualized non-medical nutrition recommendations" means information or
40 recommendations on the following: (a) Principles of good nutrition and
41 food preparation; (b) Food to be included in the normal daily diet; (c)
42 The essential nutrients needed by the body; (d) Recommended amounts of
43 the essential nutrients, based on established standards; (e) The actions
44 of nutrients on the body; (f) The effects of deficiencies or excesses of
45 nutrients; or (g) Food and supplements that are good sources of essen-
46 tial nutrients;

47 4. A person who does not hold himself or herself out to be a licensed
48 dietitian/nutritionist or a licensed nutritionist from providing general
49 non-medical nutrition information and individualized non-medical recom-
50 mendations as defined in subdivision three of this section if employed
51 by or operating a health weight loss or fitness program;

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

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

24 § 8008. Limited permit. 1. The department shall issue a limited permit
25 to an applicant for licensure who has met the requirements of paragraph
26 (b) of subdivision two of section eight thousand four of this article.

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

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

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

37 § 8009. Hospital privileges. Nothing herein contained shall be deemed
38 to authorize, grant, or extend hospital privileges to individuals
39 licensed under this article.

40 § 8010. Boundaries of professional competency. 1. It shall be deemed
41 practicing outside the boundaries of his or her professional competence
42 for a person licensed pursuant to this article, in the case of treatment
43 of any serious mental illness, to provide any mental health service for
44 such illness on a continuous and sustained basis without a medical eval-
45 uation of the illness by, and consultation with, a physician regarding
46 such illness. Such medical evaluation and consultation shall be to
47 determine and advise whether any medical care is indicated for such
48 illness. For purposes of this section, "serious mental illness" means
49 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-
50 sive disorder, panic disorder, obsessive-compulsive disorder, atten-
51 tion-deficit hyperactivity disorder and autism.

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

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

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

7 § 11. Subparagraph (i) of paragraph a of subdivision 1 of section
8 6503-a of the education law, as amended by chapter 554 of the laws of
9 2013, is amended to read as follows:

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

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

15 § 6505-b. Course work or training in infection control practices.
16 Every dentist, registered nurse, licensed practical nurse, podiatrist,
17 optometrist and dental hygienist, licensed nutritionist, and licensed
18 dietitian/nutritionist practicing in the state shall, on or before July
19 first, nineteen hundred ninety-four and every four years thereafter,
20 complete course work or training appropriate to the professional's prac-
21 tice approved by the department regarding infection control and barrier
22 precautions, including engineering and work practice controls, in
23 accordance with regulatory standards promulgated by the department, in
24 consultation with the department of health, which shall be consistent,
25 as far as appropriate, with such standards adopted by the department of
26 health pursuant to section two hundred thirty-nine of the public health
27 law to prevent the transmission of HIV, HBV or HCV in the course of
28 professional practice. Each such professional shall document to the
29 department at the time of registration commencing with the first regis-
30 tration after July first, nineteen hundred ninety-four that the profes-
31 sional has completed course work or training in accordance with this
32 section, provided, however that a professional subject to the provisions
33 of paragraph (f) of subdivision one of section twenty-eight hundred
34 five-k of the public health law shall not be required to so document.
35 The department shall provide an exemption from this requirement to
36 anyone who requests such an exemption and who (i) clearly demonstrates
37 to the department's satisfaction that there would be no need for him or
38 her to complete such course work or training because of the nature of
39 his or her practice or (ii) that he or she has completed course work or
40 training deemed by the department to be equivalent to the course work or
41 training approved by the department pursuant to this section. The
42 department shall consult with organizations representative of
43 professions, institutions and those with expertise in infection control
44 and HIV, HBV and HCV with respect to the regulatory standards promulgat-
45 ed pursuant to this section.

46 § 13. Paragraph a of subdivision 3 of section 6507 of the education
47 law, as amended by chapter 554 of the laws of 2013, is amended to read
48 as follows:

49 a. Establish standards for preprofessional and professional education,
50 experience and licensing examinations as required to implement the arti-
51 cle for each profession. Notwithstanding any other provision of law, the
52 commissioner shall establish standards requiring that all persons apply-
53 ing, on or after January first, nineteen hundred ninety-one, initially,
54 or for the renewal of, a license, registration or limited permit to be a
55 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
56 trist, psychiatrist, psychologist, licensed master social worker,

1 licensed clinical social worker, licensed creative arts therapist,
2 licensed marriage and family therapist, licensed mental health counse-
3 lor, licensed psychoanalyst, dental hygienist, licensed behavior
4 analyst, [~~or~~] certified behavior analyst assistant or licensed nutri-
5 tionist or licensed dietician/nutritionist shall, in addition to all the
6 other licensure, certification or permit requirements, have completed
7 two hours of coursework or training regarding the identification and
8 reporting of child abuse and maltreatment. The coursework or training
9 shall be obtained from an institution or provider which has been
10 approved by the department to provide such coursework or training. The
11 coursework or training shall include information regarding the physical
12 and behavioral indicators of child abuse and maltreatment and the statu-
13 tory reporting requirements set out in sections four hundred thirteen
14 through four hundred twenty of the social services law, including but
15 not limited to, when and how a report must be made, what other actions
16 the reporter is mandated or authorized to take, the legal protections
17 afforded reporters, and the consequences for failing to report. Such
18 coursework or training may also include information regarding the phys-
19 ical and behavioral indicators of the abuse of individuals with mental
20 retardation and other developmental disabilities and voluntary reporting
21 of abused or neglected adults to the office of mental retardation and
22 developmental disabilities or the local adult protective services unit.
23 Each applicant shall provide the department with documentation showing
24 that he or she has completed the required training. The department shall
25 provide an exemption from the child abuse and maltreatment training
26 requirements to any applicant who requests such an exemption and who
27 shows, to the department's satisfaction, that there would be no need
28 because of the nature of his or her practice for him or her to complete
29 such training;

30 § 14. Paragraph (a) of subdivision 1 of section 413 of the social
31 services law, as separately amended by chapters 126 and 205 of the laws
32 of 2014, is amended to read as follows:

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

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

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

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

53 § 16. Subdivision 5-a of section 488 of the social services law, as
54 amended by chapter 205 of the laws of 2014, is amended to read as
55 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 effective immediately, the addition, amend-
26 ment and/or repeal of any rule or regulation necessary for the implemen-
27 tation of this act on its effective date are authorized and directed to
28 be made and completed by the department of education on or before such
29 effective date; provided, further, that if section 2 of part Q of chap-
30 ter 56 of the laws of 2017 shall not have taken effect on or before such
31 date then section fifteen of this act shall take effect on the same date
32 and in the same manner as such chapter of the laws of 2017 takes effect.