

# STATE OF NEW YORK

2231--A

2017-2018 Regular Sessions

## IN SENATE

January 12, 2017

Introduced by Sens. LAVALLE, AMEDORE, 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

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-

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

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1 ist or "LN" and "licensed dietitian/nutritionist" or "LDN" and the prac-  
2 tice of dietetics and nutrition. The general provision for all  
3 professions contained in article one hundred thirty of this title shall  
4 apply to this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

53 3. "Nutrition assessment" means the systematic process of obtaining,  
54 verifying, and interpreting biochemical, anthropometric, nutrigenomic,  
55 physical and dietary data in order to make decisions about the nature  
56 and cause of nutrition related problems. The mere collection of these

1 data for use in a nutrition assessment is not a nutrition assessment and  
2 does not require a license in dietetics and nutrition as set forth in  
3 this article.

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

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

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

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

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

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

53 § 7. Section 8004 of the education law is REPEALED and a new section  
54 8004 is added to read as follows:

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

4 (a) File an application with the department;

5 (b) Education:

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

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

15 (i) Biochemistry;

16 (ii) Metabolism in health and disease;

17 (iii) Anatomy and physiology;

18 (iv) Clinical and life sciences;

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

20 (vi) Nutrition assessment and evaluation;

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

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

23 (ix) Professional orientation and ethics.

24 (c) Experience:

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

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

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

1 substantially equivalent to standards set forth for licensure pursuant  
2 to this article.

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

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

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

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

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

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

22 (a) File an application with the department;

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

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

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

37 (3) Professional practice and ethics;

38 (4) Nutrition care including Medical Nutrition Therapy, nutrition  
39 diagnosis and enteral and parenteral nutrition;

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

42 (6) Principles of food science and food preparation, and food systems  
43 management.

44 (c) Experience:

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

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

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

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

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

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

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

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

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

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

37 § 9. Section 8006 of the education law, as added by chapter 635 of the  
 38 laws of 1991 and subdivision 2 as amended by chapter 282 of the laws of  
 39 1992, is amended to read as follows:

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

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

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

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

53 ~~(c) meets all the requirements of paragraph (b) of subdivision two and~~  
 54 ~~subdivision five of section eight thousand four of this article.] 1. Any  
 55 person who is licensed as a certified dietitian or a certified nutri-  
 56 tionist (CDN) on the effective date of the chapter of the laws of two~~

1 thousand seventeen, which amended this section, shall be licensed as a  
2 licensed dietitian/nutritionist without meeting any additional require-  
3 ments.

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

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

14 § 10. The education law is amended by adding four new sections 8007,  
15 8008, 8009 and 8010 to read as follows:

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

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

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

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

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

53 5. An individual employed by a WIC program as a "competent profes-  
54 sional authority" as defined in 7 C.F.R § 246.2 (1895) from providing  
55 nutrition services within such WIC program. For the purpose of this

1 subdivision the term "WIC program" shall mean a program authorized by 42  
2 U.S.C. § 1786; and

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

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

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

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

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

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

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

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



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

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

10 § 11. Subparagraph (i) of paragraph a of subdivision 1 of section  
11 6503-a of the education law, as amended by chapter 554 of the laws of  
12 2013, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 § 17. This act shall take effect one year after it shall have become a  
28 law; provided however, that effective immediately, the addition, amend-  
29 ment and/or repeal of any rule or regulation necessary for the implemen-  
30 tation of this act on its effective date are authorized and directed to  
31 be made and completed by the department of education on or before such  
32 effective date; provided, further, that if section 2 of part Q of chap-  
33 ter 56 of the laws of 2017 shall not have taken effect on or before such  
34 date then section fifteen of this act shall take effect on the same date  
35 and in the same manner as such chapter of the laws of 2017 takes effect.