

STATE OF NEW YORK

2231--B

2017-2018 Regular Sessions

IN SENATE

January 12, 2017

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

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.

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

LBD07866-05-7

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

3 § 8000. Introduction. This article applies to the use of the titles
4 [~~"certified dietitian" and "certified nutritionist"~~] licensed nutrition-
5 ist or "LN" and "licensed dietitian/nutritionist" or "LDN" and the prac-
6 tice of dietetics and nutrition. The general provision for all
7 professions contained in article one hundred thirty of this title shall
8 apply to this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 § 7. Section 8004 of the education law is REPEALED and a new section
2 8004 is added to read as follows:

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

6 (a) File an application with the department;

7 (b) Education:

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

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

17 (i) Biochemistry;

18 (ii) Metabolism in health and disease;

19 (iii) Anatomy and physiology;

20 (iv) Clinical and life sciences;

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

22 (vi) Nutrition assessment and evaluation;

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

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

25 (ix) Professional orientation and ethics.

26 (c) Experience:

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

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

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

1 and approved by the department as having credentialing standards
2 substantially equivalent to standards set forth for licensure pursuant
3 to this article.

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

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

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

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

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

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

23 (a) File an application with the department;

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

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

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

38 (3) Professional practice and ethics;

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

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

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

45 (c) Experience:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tionist (CDN) on the effective date of the chapter of the laws of two
2 thousand seventeen, which amended this section, shall be licensed as a
3 licensed dietitian/nutritionist without meeting any additional require-
4 ments.

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

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

15 § 10. The education law is amended by adding four new sections 8007,
16 8008, 8009 and 8010 to read as follows:

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

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

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

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

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

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

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

29 § 8008. Limited permit. 1. The department shall issue a limited permit
30 to an applicant for licensure who has met the requirements of paragraph
31 (b) of subdivision two of section eight thousand four of this article.

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

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

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

42 § 8009. Hospital privileges. Nothing herein contained shall be deemed
43 to authorize, grant, or extend hospital privileges to individuals
44 licensed under this article.

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

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

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

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

12 § 11. Subparagraph (i) of paragraph a of subdivision 1 of section
13 6503-a of the education law, as amended by chapter 554 of the laws of
14 2013, is amended to read as follows:

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

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

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

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

54 a. Establish standards for preprofessional and professional education,
55 experience and licensing examinations as required to implement the arti-
56 cle for each profession. Notwithstanding any other provision of law, the

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

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

38 (a) The following persons and officials are required to report or
39 cause a report to be made in accordance with this title when they have
40 reasonable cause to suspect that a child coming before them in their
41 professional or official capacity is an abused or maltreated child, or
42 when they have reasonable cause to suspect that a child is an abused or
43 maltreated child where the parent, guardian, custodian or other person
44 legally responsible for such child comes before them in their profes-
45 sional or official capacity and states from personal knowledge facts,
46 conditions or circumstances which, if correct, would render the child an
47 abused or maltreated child: any physician; registered physician assist-
48 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
49 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
50 psychologist; registered nurse; social worker; emergency medical techni-
51 cian; licensed creative arts therapist; licensed marriage and family
52 therapist; licensed mental health counselor; licensed psychoanalyst;
53 licensed behavior analyst; certified behavior analyst assistant;
54 licensed nutritionist; licensed dietician/nutritionist; hospital person-
55 nel engaged in the admission, examination, care or treatment of persons;
56 a Christian Science practitioner; school official, which includes but is

1 not limited to school teacher, school guidance counselor, school
2 psychologist, school social worker, school nurse, school administrator
3 or other school personnel required to hold a teaching or administrative
4 license or certificate; full or part-time compensated school employee
5 required to hold a temporary coaching license or professional coaching
6 certificate; social services worker; employee of a publicly-funded emer-
7 gency shelter for families with children; director of a children's over-
8 night camp, summer day camp or traveling summer day camp, as such camps
9 are defined in section thirteen hundred ninety-two of the public health
10 law; day care center worker; school-age child care worker; provider of
11 family or group family day care; employee or volunteer in a residential
12 care facility for children that is licensed, certified or operated by
13 the office of children and family services; or any other child care or
14 foster care worker; mental health professional; substance abuse counse-
15 lor; alcoholism counselor; all persons credentialed by the office of
16 alcoholism and substance abuse services; peace officer; police officer;
17 district attorney or assistant district attorney; investigator employed
18 in the office of a district attorney; or other law enforcement official.

19 § 15. Subdivision 5-a of section 488 of the social services law, as
20 amended by chapter 205 of the laws of 2014, is amended to read as
21 follows:

22 5-a. "Human services professional" shall mean any: physician; regis-
23 tered physician assistant; surgeon; medical examiner; coroner; dentist;
24 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;
25 resident; intern; psychologist; registered nurse; licensed practical
26 nurse; nurse practitioner; social worker; emergency medical technician;
27 licensed creative arts therapist; licensed marriage and family thera-
28 pist; licensed mental health counselor; licensed psychoanalyst; licensed
29 behavior analyst; certified behavior analyst assistant; licensed
30 speech/language pathologist or audiologist; licensed physical therapist;
31 licensed occupational therapist; licensed nutritionist; licensed
32 dietitian/nutritionist; hospital personnel engaged in the admission,
33 examination, care or treatment of persons; Christian Science practition-
34 er; school official, which includes but is not limited to school teach-
35 er, school guidance counselor, school psychologist, school social work-
36 er, school nurse, school administrator or other school personnel
37 required to hold a teaching or administrative license or certificate;
38 full or part-time compensated school employee required to hold a tempo-
39 rary coaching license or professional coaching certificate; social
40 services worker; any other child care or foster care worker; mental
41 health professional; person credentialed by the office of alcoholism and
42 substance abuse services; peace officer; police officer; district attor-
43 ney or assistant district attorney; investigator employed in the office
44 of a district attorney; or other law enforcement official.

45 § 16. This act shall take effect one year after it shall have become a
46 law; provided however, that effective immediately, the addition, amend-
47 ment and/or repeal of any rule or regulation necessary for the implemen-
48 tation of this act on its effective date are authorized and directed to
49 be made and completed by the department of education on or before such
50 effective date.