STATE OF NEW YORK

2231--C

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 -- 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:

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

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

LBD07866-06-8

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

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

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

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

§ 8001. [~~Definitions~~] **Dietetic and nutrition practice**. [~~1. Dietetics and nutrition are herein each defined as the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, food management and behavioral and social sciences to achieve and maintain people's health.~~

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

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

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

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

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

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

2. A licensed nutritionist and licensed dietitian/nutritionist shall have the authority, as necessary, and limited to the practice of dietetics and nutrition, to order diagnostic tests and devices, and laboratory tests, as established by the board in accordance with the commissioner's regulations.

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

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

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

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

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

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

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

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

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

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

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

The board shall consist of not less than [~~thirteen~~] eleven members, [~~ten~~] four of whom shall be [~~certified dietitians or certified nutritionists, except that the members of the first board need not be certified but shall be persons who are eligible for certification under the provisions of this article prior to their appointment to the board~~] licensed dietitian/nutritionists and four of whom shall be licensed nutritionists pursuant to this article. The [~~first~~] board, with respect to members representing the profession, shall consist of [~~five~~] four members [~~registered~~] credentialed by a national dietetic association having [~~registration~~] credentialing standards acceptable to the department and [~~five~~] four members who are [~~members of or registered~~] credentialed by a national nutritional association having [~~membership and/or registration~~] credentialing standards acceptable to the department; provided, however, that no such credentialed member shall be also credentialed by a national nutrition association, nor a national dietetic association, respectively. [~~Thereafter, members of the profession appointed to such board shall be certified pursuant to this article. To the extent reasonable, the board of regents should insure the state board is broadly representative of various professional interests within the dietetic and nutritional community. Three members~~] Two members shall be representatives of the general public and one member shall be a physician licensed under article one hundred thirty-one of this title. Such physician member shall not be a member of or credentialed by a national dietetic or national nutrition association. An executive secre-

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

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

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

(a) File an application with the department;

(b) Education:

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

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

(i) Biochemistry;

(ii) Metabolism in health and disease;

(iii) Anatomy and physiology;

(iv) Clinical and life sciences;

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

(vi) Nutrition assessment and evaluation;

(vii) Medical nutrition therapy, planning and implementation;

(viii) Food content, safety and quality; and

(ix)Professional orientation and ethics.

(c) Experience:

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

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

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

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

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

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

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

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

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

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

(a) File an application with the department;

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

(1) Physical and life sciences, including organic chemistry, biochemistry, physiology, genetics, microbiology, pharmacology, statistics, nutrient metabolism and nutrition across the lifespan;

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

(3) Professional practice and ethics;

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

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

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

(c) Experience:

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

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

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

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

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

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

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

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

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

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

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

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

~~1. files an application and pays the appropriate fees to the department; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. All practice under a limited permit shall be under the supervision of individuals licensed pursuant to this article and meet the requirements of paragraph (c) of subdivision one or paragraph (c) of subdivision two of section eight thousand four of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, [~~or~~] certified behavior analyst assistant **or licensed nutritionist or licensed dietician/nutritionist** shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections

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

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

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; **licensed nutritionist; licensed dietitian/nutritionist;** hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

5-a. "Human services professional" shall mean any: physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; licensed practical nurse; nurse practitioner; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; licensed speech/language pathologist or audiologist; licensed physical therapist; licensed occupational therapist; **licensed nutritionist; licensed dietitian/nutritionist;** hospital personnel engaged in the admission, examination, care or treatment of persons; Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; any other child care or foster care worker; mental health professional; person credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

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

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