

# STATE OF NEW YORK

10380--A

## IN ASSEMBLY

May 4, 2020

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the education law, in relation to providing course work and training in HIV and STI testing

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

1 Section 1. The public health law is amended by adding a new section  
2 239-c to read as follows:

3 § 239-c. Course work or training in HIV and STI testing practices. (a)  
4 Every physician, physician assistant and specialist assistant practicing  
5 in the state shall, on or before July first, two thousand twenty-one and  
6 every four years thereafter, complete course work or training, appropri-  
7 ate to the professional's practice, approved by the department regarding  
8 human immunodeficiency virus (HIV) and sexually transmitted infections  
9 (STI) testing, and the elements of sexual health including sexual orien-  
10 tation and gender identity. Such training shall include best practices  
11 for discussing routes and risks of HIV and STI transmission, advising as  
12 to the benefits of testing, the concept of informed consent, and working  
13 with allied health professionals and trained peer health educators to  
14 facilitate testing upon consent. The trainings shall be conducted in  
15 accordance with regulatory standards promulgated by the department in  
16 consultation with the department of education, to facilitate the testing  
17 of HIV and STIs in the course of professional practice. Such course work  
18 or training shall also be completed by every medical student, medical  
19 resident and physician assistant student in the state as part of the  
20 orientation programs conducted by medical schools, medical residency  
21 programs and physician assistant programs.

22 (b) Every physician, physician assistant, specialist assistant,  
23 medical student, medical resident and physician assistant student must  
24 provide to the department documentation demonstrating the completion of  
25 and competence in the course work or training required under subdivision  
26 (a) of this section, provided however, that physicians subject to the  
27 provisions of paragraph (f) of subdivision one of section twenty-eight

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

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1 hundred five-k of this chapter shall not be required to provide such  
2 documentation to the department.

3 (c) The department shall provide an exemption from the requirements  
4 imposed by subdivision (a) of this section to anyone who requests such  
5 an exemption and who (i) clearly demonstrates to the department's satis-  
6 faction that there would be no need for him or her to complete such  
7 course work or training because of the nature of his or her practice or  
8 (ii) that he or she has completed course work or training deemed by the  
9 department to be equivalent to the standards for course work or training  
10 approved by the department pursuant to this section. An individual  
11 granted an exemption must reapply to continue such exemption every four  
12 years.

13 (d) The department shall consult with organizations representative of  
14 professions, institutions, persons living with HIV, and those with  
15 expertise in issues of consent and medical ethics with respect to the  
16 regulatory standards promulgated pursuant to this section. On or before  
17 September first, two thousand thirty, and periodically thereafter as  
18 determined necessary by the commissioner, the department, including its  
19 patient safety center, in consultation with the council on graduate  
20 medical education, shall review and revise the content of the course  
21 work or training in HIV and STI testing practices as necessary to ensure  
22 that such content: (i) reflects the current infection control practices  
23 and standards accepted and promoted by the medical and scientific commu-  
24 nities; (ii) focuses particular attention on instruction in standards of  
25 practice for which compliance is suboptimal based on the department's  
26 experience; and (iii) emphasizes the importance of working with allied  
27 health care professionals and staff, including nurses, patient aides,  
28 and peer health educators, in implementing best practices in testing and  
29 advising.

30 § 2. The education law is amended by adding a new section 6505-d to  
31 read as follows:

32 § 6505-d. Course work or training in HIV testing practices. Every  
33 registered nurse and licensed practical nurse practicing in the state  
34 shall, on or before July first, two thousand twenty-one and every four  
35 years thereafter, complete course work or training, appropriate to the  
36 professional's practice, approved by the department regarding human  
37 immunodeficiency virus (HIV) and sexually transmitted infections (STI)  
38 testing, and the elements of sexual health including sexual orientation  
39 and gender identity, in accordance with regulatory standards promulgated  
40 by the department in consultation with the department of health, which  
41 shall be consistent, as far as appropriate, with such standards adopted  
42 by the department of health pursuant to section two hundred thirty-nine  
43 of the public health law. Each professional shall document to the  
44 department at the time of registration, commencing with the first regis-  
45 tration after July first, two thousand twenty-one, that such profes-  
46 sional has completed the course work or training in accordance with this  
47 section, provided, however, that a professional subject to the  
48 provisions of paragraph (f) of subdivision one of section twenty-eight  
49 hundred five-k of the public health law shall not be required to submit  
50 such document. The department shall provide an exemption from the  
51 requirements imposed by this section to anyone who requests such an  
52 exemption and who (i) clearly demonstrates to the department's satisfac-  
53 tion that there would be no need for him or her to complete such course  
54 work or training because of the nature of his or her practice or (ii)  
55 that he or she has completed course work or training deemed by the  
56 department to be equivalent to the standards for course work or training

1 approved by the department pursuant to this section. The department  
2 shall consult with organizations representative of professions, insti-  
3 tutions, persons living with HIV, and those with expertise in issues of  
4 consent and medical ethics with respect to the regulatory standards  
5 promulgated pursuant to this section.

6 § 3. This act shall take effect immediately.