

STATE OF NEW YORK

5628

2019-2020 Regular Sessions

IN SENATE

May 9, 2019

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to requiring care providers to provide information in cases of suspected domestic violence

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

1 Section 1. This act shall be known and may be cited as the "Jamie Rose
2 care provider act".

3 § 2. The social services law is amended by adding a new section 459-i
4 to read as follows:

5 § 459-i. Care providers required to provide information in cases of
6 suspected domestic violence. 1. (a) Care providers in cities, towns and
7 villages (i) with a population less than one million; and (ii) located
8 in a county in which the county legislature has declared an agency other
9 than a law-enforcement agency as its primary domestic violence agency
10 are required to provide domestic violence support information or, at the
11 request of the suspected victim, cause a report to be made in accordance
12 with this article when they have reasonable cause to suspect that an
13 individual coming before them in their professional or official capacity
14 is the victim of domestic violence. For purposes of this section "care
15 providers" shall include, but are not limited to: any physician; regis-
16 tered physician assistant; surgeon; medical examiner; coroner; dentist;
17 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;
18 resident; intern; psychologist; registered nurse; nurse practitioner;
19 social worker; emergency medical technician; licensed creative arts
20 therapist; licensed marriage and family therapist; licensed mental
21 health counselor; licensed psychoanalyst; licensed behavior analyst;
22 certified behavior analyst assistant; hospital personnel engaged in the
23 admission, examination, care or treatment of persons; a Christian
24 Science practitioner; school official, which includes but is not limited

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

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1 to school teacher, school guidance counselor, school psychologist,
2 school social worker, school nurse, school administrator or other school
3 personnel required to hold a teaching or administrative license or
4 certificate; full or part-time compensated school employee required to
5 hold a temporary coaching license or professional coaching certificate;
6 social services worker; employee of a publicly-funded emergency shelter
7 for families with children; director of a children's overnight camp,
8 summer day camp or traveling summer day camp, as such camps are defined
9 in section thirteen hundred ninety-two of the public health law; day
10 care center worker; school-age child care worker; provider of family or
11 group family day care; employee or volunteer in a residential care
12 facility for children that is licensed, certified or operated by the
13 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 (b) Whenever such person files a report under this article in his or
20 her capacity as a member of the staff of a medical or other public or
21 private institution, school, facility or agency, he or she shall imme-
22 diately notify the person in charge of such institution, school, facili-
23 ty or agency, or his or her designated agent. Such person in charge, or
24 the designated agent of such person, shall be responsible for all subse-
25 quent administration necessitated by the report. Any report shall
26 include the name, title and contact information for every staff person
27 of the institution who is believed to have direct knowledge of the alle-
28 gations in the report. Nothing in this section or article is intended to
29 require more than one report from any such institution, school or agen-
30 cy.

31 (c) A medical or other public or private institution, school, facility
32 or agency shall not take any retaliatory personnel action, as such term
33 is defined in paragraph (e) of subdivision one of section seven hundred
34 forty of the labor law, against an employee because such employee
35 believes that he or she has reasonable cause to suspect that an individ-
36 ual is the victim of domestic violence and that employee therefore makes
37 a report in accordance with this article at the request of the suspected
38 victim. No school, school official, child care provider, foster care
39 provider, residential care facility provider, hospital, medical institu-
40 tion provider or mental health facility provider shall impose any condi-
41 tions, including prior approval or prior notification, upon a member of
42 their staff who files a report under this article.

43 2. Any person, institution, school, facility, agency, organization,
44 partnership or corporation which employs persons that file a report of
45 suspected incidents of domestic violence pursuant to subdivision one of
46 this section shall make a good-faith effort to provide all such current
47 and new employees with written information explaining the reporting
48 process set out in such subdivision. Such written information shall be
49 prepared by the advisory council of the office for the prevention of
50 domestic violence, and shall be made available on the office for the
51 prevention of domestic violence website. The employers shall be respon-
52 sible for the costs associated with printing and distributing the writ-
53 ten information. If an employer is unable to provide such information,
54 the employer may request the office for the prevention of domestic
55 violence mail the information to such employer.

1 3. The office for the prevention of domestic violence shall create a
2 form for the reporting of suspected domestic violence cases described in
3 subdivision one of this section. Such form shall be provided by a person
4 that files a report of suspected domestic violence cases to the
5 suspected victim of domestic violence, and shall be made available on
6 the office for the prevention of domestic violence website. Such form
7 shall include, but not be limited to, a description of the circumstances
8 leading to the suspected case of domestic violence, the alleged perpe-
9 trator of domestic violence and the date of the suspected incident. Such
10 form shall be submitted by the care provider to the county primary
11 domestic violence agency. Such primary domestic violence agency shall
12 keep all such forms on file.

13 4. Any employer which employs a care provider shall hold annual train-
14 ings for care providers on how to recognize the signs of domestic
15 violence.

16 5. For purposes of this section "domestic violence support informa-
17 tion" shall include, but not be limited to, materials discussing options
18 that a survivor of domestic violence has in order to protect him or
19 herself at any given time, and the resources that a primary domestic
20 violence agency provides in the county. Such material shall be updated
21 by the primary domestic violence agency in the county every two years.

22 6. The suspected domestic violence victim shall have the right to
23 refuse domestic violence support information at any time.

24 § 3. This act shall take effect on the thirtieth day after it shall
25 have become a law.