

STATE OF NEW YORK

3864

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the
Committee on Higher Education

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 Assem-
bly, 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, within one year of the effective date of this
6 section and every four years thereafter, complete course work or train-
7 ing, appropriate to the professional's practice, approved by the depart-
8 ment regarding human immunodeficiency virus (HIV) and sexually transmit-
9 ted infections (STI) testing, and the elements of sexual health
10 including sexual orientation and gender identity. Such training shall
11 include best practices for discussing routes and risks of HIV and STI
12 transmission, advising as to the benefits of testing, the concept of
13 informed consent, working with allied health professionals and trained
14 peer health educators to facilitate testing upon consent, and providing
15 respectful and dignified care for patients of all sexual orientations
16 and gender identities, including patients who are intersex. The train-
17 ings shall be conducted in accordance with regulatory standards promul-
18 gated by the department in consultation with the department of educa-
19 tion, to facilitate the testing of HIV and STIs in the course of
20 professional practice. Such course work or training shall also be
21 completed by every medical student, medical resident and physician
22 assistant student in the state as part of the orientation programs
23 conducted by medical schools, medical residency programs and physician
24 assistant programs.

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

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1 (b) Every physician, physician assistant, specialist assistant,
2 medical student, medical resident and physician assistant student must
3 provide to the department documentation demonstrating the completion of
4 and competence in the course work or training required under subdivision
5 (a) of this section, provided however, that physicians subject to the
6 provisions of paragraph (f) of subdivision one of section twenty-eight
7 hundred five-k of this chapter shall not be required to provide such
8 documentation to the department.

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

19 (d) The department shall consult with organizations representative of
20 professions, institutions, persons living with HIV, persons of all sexu-
21 al orientations and gender identities, persons who are intersex, and
22 those with expertise in issues of consent and medical ethics with
23 respect to the regulatory standards promulgated pursuant to this
24 section. On or before September first, two thousand thirty-one, and
25 periodically thereafter as determined necessary by the commissioner, the
26 department, including its patient safety center, in consultation with
27 the council on graduate medical education, shall review and revise the
28 content of the course work or training in HIV and STI testing practices
29 as necessary to ensure that such content: (i) reflects the current
30 infection control practices and standards accepted and promoted by the
31 medical and scientific communities; (ii) focuses particular attention on
32 instruction in standards of practice for which compliance is suboptimal
33 based on the department's experience; and (iii) emphasizes the impor-
34 tance of working with allied health care professionals and staff,
35 including nurses, patient aides, and peer health educators, in imple-
36 menting best practices in testing and advising.

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

39 § 6505-d. Course work or training in HIV testing practices. Every
40 registered nurse and licensed practical nurse practicing in the state
41 shall, within one year of the effective date of this section and every
42 four years thereafter, complete course work or training, appropriate to
43 the professional's practice, approved by the department regarding human
44 immunodeficiency virus (HIV) and sexually transmitted infections (STI)
45 testing, and the elements of sexual health including sexual orientation
46 and gender identity, in accordance with regulatory standards promulgated
47 by the department in consultation with the department of health, which
48 shall be consistent, as far as appropriate, with such standards adopted
49 by the department of health pursuant to section two hundred thirty-nine
50 of the public health law. Each professional shall document to the
51 department at the time of registration, commencing with the first regis-
52 tration after this section takes effect that such professional has
53 completed the course work or training in accordance with this section,
54 provided, however, that a professional subject to the provisions of
55 paragraph (f) of subdivision one of section twenty-eight hundred five-k
56 of the public health law shall not be required to submit such document.

1 The department shall provide an exemption from the requirements imposed
2 by this section to anyone who requests such an exemption and who (i)
3 clearly demonstrates to the department's satisfaction that there would
4 be no need for him or her to complete such course work or training
5 because of the nature of his or her practice or (ii) that he or she has
6 completed course work or training deemed by the department to be equiv-
7 alent to the standards for course work or training approved by the
8 department pursuant to this section. The department shall consult with
9 organizations representative of professions, institutions, persons
10 living with HIV, persons of all sexual orientations and gender identi-
11 ties, persons who are intersex, and those with expertise in issues of
12 consent and medical ethics with respect to the regulatory standards
13 promulgated pursuant to this section.

14 § 3. This act shall take effect immediately.