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 Assembly, do enact as follows:

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

§ 239-c. Course work or training in HIV and STI testing practices. (a) Every physician, physician assistant and specialist assistant practicing in the state shall, within one year of the effective date of this section and every four years thereafter, complete course work or training, appropriate to the professional's practice, approved by the department regarding human immunodeficiency virus (HIV) and sexually transmitted infections (STI) testing, and the elements of sexual health including sexual orientation and gender identity. Such training shall include best practices for discussing routes and risks of HIV and STI transmission, advising as to the benefits of testing, the concept of informed consent, working with allied health professionals and trained peer health educators to facilitate testing upon consent, and providing respectful and dignified care for patients of all sexual orientations and gender identities, including patients who are intersex. The trainings shall be conducted in accordance with regulatory standards promulgated by the department in consultation with the department of education, to facilitate the testing of HIV and STIs in the course of professional practice. Such course work or training shall also be completed by every medical student, medical resident and physician assistant student in the state as part of the orientation programs conducted by medical schools, medical residency programs and physician assistant programs.

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

LBD00331-02-1

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

(c) The department shall provide an exemption from the requirements imposed by subdivision (a) of this section 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 standards for course work or training approved by the department pursuant to this section. An individual granted an exemption must reapply to continue such exemption every four years.

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

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

§ 6505-d. Course work or training in HIV testing practices. Every registered nurse and licensed practical nurse practicing in the state shall, within one year of the effective date of this section and every four years thereafter, complete course work or training, appropriate to the professional's practice, approved by the department regarding human immunodeficiency virus (HIV) and sexually transmitted infections (STI) testing, and the elements of sexual health including sexual orientation and gender identity, 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. Each professional shall document to the department at the time of registration, commencing with the first registration after this section takes effect that such professional has completed the 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 submit such document.

The department shall provide an exemption from the requirements imposed by this section 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 standards for course work or training approved by the department pursuant to this section. The department shall consult with organizations representative of professions, institutions, persons living with HIV, persons of all sexual orientations and gender identities, persons who are intersex, and those with expertise in issues of consent and medical ethics with respect to the regulatory standards promulgated pursuant to this section.

§ 3. This act shall take effect immediately.