

STATE OF NEW YORK

921

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, EPSTEIN, JOYNER, GOTTFRIED, COOK, BARRON, HYNDMAN, BUTTENSCHON, SIMON, SMULLEN, DeSTEFANO, J. M. GIGLIO, TAYLOR, J. RIVERA, HUNTER, PICHARDO, ASHBY, M. MILLER -- read once and referred 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;

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

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1 certified behavior analyst assistant; hospital personnel engaged in the
2 admission, examination, care or treatment of persons; a Christian
3 Science practitioner; school official, which includes but is not limited
4 to school teacher, school guidance counselor, school psychologist,
5 school social worker, school nurse, school administrator or other school
6 personnel required to hold a teaching or administrative license or
7 certificate; full or part-time compensated school employee required to
8 hold a temporary coaching license or professional coaching certificate;
9 social services worker; employee of a publicly-funded emergency shelter
10 for families with children; director of a children's overnight camp,
11 summer day camp or traveling summer day camp, as such camps are defined
12 in section thirteen hundred ninety-two of the public health law; day
13 care center worker; school-age child care worker; provider of family or
14 group family day care; employee or volunteer in a residential care
15 facility for children that is licensed, certified or operated by the
16 office of children and family services; or any other child care or
17 foster care worker; mental health professional; substance abuse counse-
18 lor; alcoholism counselor; all persons credentialed by the office of
19 alcoholism and substance abuse services; peace officer; police officer;
20 district attorney or assistant district attorney; investigator employed
21 in the office of a district attorney; or other law enforcement official.

22 (b) Whenever such person files a report under this article in his or
23 her capacity as a member of the staff of a medical or other public or
24 private institution, school, facility or agency, he or she shall imme-
25 diately notify the person in charge of such institution, school, facili-
26 ty or agency, or his or her designated agent. Such person in charge, or
27 the designated agent of such person, shall be responsible for all subse-
28 quent administration necessitated by the report. Any report shall
29 include the name, title and contact information for every staff person
30 of the institution who is believed to have direct knowledge of the alle-
31 gations in the report. Nothing in this section or article is intended to
32 require more than one report from any such institution, school or agen-
33 cy.

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

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

1 the employer may request the office for the prevention of domestic
2 violence mail the information to such employer.

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

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

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

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

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