STATE OF NEW YORK

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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:

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

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

§ 459-i. Care providers required to provide information in cases of suspected domestic violence. 1. (a) Care providers in cities, towns and villages (i) with a population less than one million; and (ii) located in a county in which the county legislature has declared an agency other than a law-enforcement agency as its primary domestic violence agency are required to provide domestic violence support information or, at the request of the suspected victim, cause a report to be made in accordance with this article when they have reasonable cause to suspect that an individual coming before them in their professional or official capacity is the victim of domestic violence. For purposes of this section "care providers" shall include, but are not limited to: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; nurse practitioner; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental 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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certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

(b) Whenever such person files a report under this article in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he or she shall immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent. Such person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title and contact information for every staff person of the institution who is believed to have direct knowledge of the allegations in the report. Nothing in this section or article is intended to require more than one report from any such institution, school or agency.

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

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

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

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

4. Any employer which employs a care provider shall hold annual trainings for care providers on how to recognize the signs of domestic violence.

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

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

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