

# STATE OF NEW YORK

2023

2021-2022 Regular Sessions

## IN SENATE

January 16, 2021

Introduced by Sens. MAY, JACKSON, RIVERA, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the licensure of athletic trainers; and to amend the social services law, in relation to adding athletic trainers to the list of persons and officials required to report cases of suspected child abuse or maltreatment

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

1 Section 1. Section 8351 of the education law, as amended by chapter  
2 658 of the laws of 1993, is amended to read as follows:

3 § 8351. Definition of the practice of athletic training. [~~As used in~~  
4 ~~this article~~

5 ~~"athletic trainer" means any person who is duly certified in accord-~~  
6 ~~ance with this article to perform athletic training under the super-~~  
7 ~~vision of a physician [and limits his or her practice to secondary~~  
8 ~~schools, institutions of postsecondary education, professional athletic~~  
9 ~~organizations, or a person who, under the supervision of a physician,~~  
10 ~~carries out comparable functions on orthopedic athletic injuries,~~  
11 ~~excluding spinal cord injuries, in a health care organization. Super-~~  
12 ~~vision of an athletic trainer by a physician shall be continuous but~~  
13 ~~shall not be construed as requiring the physical presence of the super-~~  
14 ~~vising physician at the time and place where such services are~~  
15 ~~performed.]~~

16 1. Definition. The practice of the profession of athletic  
17 training is performed by athletic trainers who are defined as health  
18 care professionals, and is defined as:

19 (a) The prevention, recognition, examination, evaluation, assessment,  
20 management, treatment and rehabilitation of athletic injuries that occur  
21 in active individuals. Athletic training involves the recognition,  
evaluation, and assistance in the management of sport-related illnesses

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

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1 and medical conditions, pursuant to the athletic trainer's education,  
2 experience, and competencies.

3 (b) The work of athletic training is performed under the supervision  
4 of a physician pursuant to a standard written protocol for athletic  
5 training services. Supervision by a physician shall be continuous but  
6 shall not be construed as requiring the physical presence of the super-  
7 vising physician at the time and place where such services are  
8 performed.

9 (c) The practice of athletic training may include use of various clin-  
10 ically appropriate therapeutic modalities and techniques.

11 (d) The scope of work described [~~herein shall not be construed as~~  
12 ~~authorizing the reconditioning of neurologic injuries, conditions or~~  
13 ~~disease] in this section shall not be construed as authorizing the~~  
14 management and treatment of acute, subacute, or chronic neurological  
15 pathologies and comorbidities or neurological disease processes with the  
16 exception of initial evaluation and triage of emergent neurological  
17 conditions such as potential concussions, spinal cord injuries or nerve  
18 injuries resulting from participation in an athletic endeavor, while  
19 training, or engaged in performing arts, public protection, emergency  
20 services, or military service, or during adaptive athletics. Once the  
21 individual has been cleared by a supervising physician, after sustaining  
22 such an injury, the athletic trainer shall work with the individual  
23 pursuant to standard written protocol to manage, monitor and treat such  
24 injuries for participation in rehabilitation for an athletic endeavor,  
25 while training, engaging in performing arts, public protection, emergen-  
26 cy services, military services or during adaptive athletics. Athletic  
27 trainers shall work with individuals pursuant to standard written proto-  
28 col to manage, monitor and treat such injuries for participation in  
29 rehabilitation for an athletic endeavor, while training, engaging in  
30 performing arts, public protection, emergency services, military  
31 services or during adaptive athletics.

32 (e) Athletic training includes education and instruction to coaches,  
33 athletes, active individuals, parents, medical personnel and communities  
34 in the area of care and prevention of athletic injuries, sports-related  
35 illnesses and medical conditions.

36 2. Boundaries of professional practice. Any individual whose license  
37 or authority to practice derives from the provisions of this article  
38 shall be prohibited from prescribing any medication or controlled  
39 substance or performing surgery, suturing, or any invasive procedures,  
40 in which human tissue is cut, altered, or otherwise pierced by mechan-  
41 ical or other means, including needles, except that nothing in this  
42 section shall be construed to prohibit the use of an epinephrine auto-  
43 injector device pursuant to section three thousand-c of the public  
44 health law.

45 § 2. Section 8352 of the education law, as amended by chapter 658 of  
46 the laws of 1993, is amended to read as follows:

47 § 8352. [~~Definition of practice of] Definitions related to athletic~~  
48 training. [The practice of the profession of athletic training is  
49 defined as the application of principles, methods and procedures for  
50 managing athletic injuries, which shall include the preconditioning,  
51 conditioning and reconditioning of an individual who has suffered an  
52 athletic injury through the use of appropriate preventative and support-  
53 ive devices, under the supervision of a physician and recognizing  
54 illness and referring to the appropriate medical professional with  
55 implementation of treatment pursuant to physician's orders. Athletic  
56 training includes instruction to coaches, athletes, parents, medical

~~personnel and communities in the area of care and prevention of athletic injuries.~~

~~The scope of work described herein shall not be construed as authorizing the reconditioning of neurologic injuries, conditions or disease.]~~

As used in this article, the following terms shall have the following meanings:

1. "emergent" shall mean a serious, unexpected and often dangerous situation requiring immediate action.

2. "supervision" shall mean by a physician and shall be continuous but shall not be construed as requiring the physical presence of the supervising physician at the time and place where such services are performed, and shall further include use of standard written protocols for athletic training services developed in consultation with the supervising physician.

3. "sport-related illnesses and medical conditions" shall mean any disease, disorder, sickness or affliction that arises from or is a manifestation of a physically active individual's participation in an exercise, a sport, a game, a recreational activity or other activity, or any other condition, that may require immediate intervention by an athletic trainer, acting with the consent and under the direction of a physician.

4. "standard written protocol" shall mean a written agreement or other document developed in conjunction with the supervising physician, which identifies and is signed by the supervising physician and the licensed athletic trainer, and describes the manner and frequency in which the licensed athletic trainer regularly communicates with the supervising physician and includes standard operating procedures, developed in agreement with the supervising physician and licensed athletic trainer, that the licensed athletic trainer follows when not directly supervised onsite by the supervising physician.

5. "active individual" shall mean one who engages in activities that require a high degree of physical exertion, that involve training and where injury occurs during such training or athletic endeavor, including but not limited to athletic individuals, performing artists and individuals involved in public protection, emergency services, or military service, or individuals involved in adaptive athletics.

6. "athletic injury" shall mean any injury sustained as a result of participation in an exercise, a sport, a game, a recreational activity or any other activity that requires a level of strength, flexibility or agility that is comparable to the level of strength, flexibility or agility required for an exercise, a sport, a game or a recreational activity.

§ 3. Section 8353 of the education law, as added by chapter 798 of the laws of 1992, is amended to read as follows:

§ 8353. Use of the title "[~~certified~~] licensed athletic trainer". Only a person [~~certified~~] licensed or otherwise authorized under this article shall practice athletic training or use the title "[~~certified~~] licensed athletic trainer" or the abbreviation "AT" in connection with his or her name or with any trade name in the conduct of his or her profession.

§ 4. Section 8354 of the education law, as added by chapter 798 of the laws of 1992, is amended to read as follows:

§ 8354. State committee for athletic trainers. A state committee for athletic trainers shall be appointed by the board of regents, upon the recommendation of the commissioner and shall assist on matters of [~~certification~~] professional licensing and professional conduct in

1 accordance with section six thousand five hundred eight of this title.  
2 The committee shall consist of [~~five~~] seven members [~~who~~], five of whom  
3 are athletic trainers [~~certified~~] licensed in this state, one practicing  
4 physician who is licensed in this state to practice as an orthopedic  
5 surgeon, a primary care/family practice physician, a sports medicine  
6 practitioner, or a neurologist, and one public member that is a consumer  
7 of the profession. The committee shall assist the state board for medi-  
8 cine in athletic training matters. Nominations and terms of office of  
9 the members of the state committee for athletic trainers shall conform  
10 to the corresponding provisions relating thereto for state boards under  
11 article one hundred thirty of title eight of this chapter. [~~Notwith-~~  
12 ~~standing the foregoing, the members of the first committee need not be~~  
13 ~~certified prior to their appointment to the committee.~~]

14 § 5. Section 8355 of the education law, as added by chapter 798 of the  
15 laws of 1992, is amended to read as follows:

16 § 8355. Requirements and procedure for professional [~~certification~~]  
17 licensure. [~~For certification as a certified~~] To qualify for a license  
18 as an athletic trainer under this article, an applicant shall fulfill  
19 the following requirements:

- 20 1. Application: file an application with the department;
- 21 2. Education: have received an education including a bachelor's, its  
22 equivalent or higher degree in accordance with the commissioner's regu-  
23 lations, provided however, as of December thirty-first, two thousand  
24 twenty-nine, applicants must have received a master's degree, its equiv-  
25 alent or higher in accordance with the commissioner's regulations;
- 26 3. Experience: have experience in accordance with the commissioner's  
27 regulations;
- 28 4. Examination: pass an examination in accordance with the commission-  
29 er's regulations;
- 30 5. Age: be at least twenty-one years of age; [~~and~~]
- 31 6. Fees: pay a fee for an initial [~~certificiate~~] license of one hundred  
32 dollars to the department; and a fee of fifty dollars for each triennial  
33 registration period[~~-~~]; and

34 7. Character: be of good moral character as determined by the depart-  
35 ment.

36 § 6. Section 8356 of the education law, as amended by chapter 658 of  
37 the laws of 1993, is amended to read as follows:

38 § 8356. [~~Special provisions. A person shall be certified without exam-~~  
39 ~~ination provided that, within three years from the effective date of~~  
40 ~~regulations implementing the provisions of this article, the individual:~~

41 ~~1. files an application and pays the appropriate fees to the depart-~~  
42 ~~ment; and~~

43 ~~2. meets the requirements of subdivisions two and five of section~~  
44 ~~eight thousand three hundred fifty-five of this article and who in addi-~~  
45 ~~tion:~~

46 ~~(a) has been actively engaged in the profession of athletic training~~  
47 ~~for a minimum of four years during the seven years immediately preceding~~  
48 ~~the effective date of this article; or~~

49 ~~(b) is certified by a United States certifying body acceptable to the~~  
50 ~~department.] Exempt persons. 1. Nothing contained in this article shall~~

51 prohibit:

52 (a) the practice of athletic training that is an integral part of a  
53 program of study by students enrolled in an athletic training program  
54 acceptable by the department or the substantial equivalent as determined  
55 by the department. Students enrolled in an athletic training program  
56 determined as acceptable by the department shall be identified as

1 "athletic training students" and shall only practice athletic training  
2 under the direction and supervision of an athletic trainer currently  
3 licensed under this article. An athletic training student shall not hold  
4 himself or herself out as a licensed athletic trainer; or

5 (b) the practice of athletic training by any person who is appropri-  
6 ately authorized and in good standing to practice athletic training in  
7 another state from acting as an athletic trainer without a New York  
8 state license solely for the following purposes:

9 (1) clinical education, practice demonstrations or clinical research  
10 that is within the practice of athletic training in connection with a  
11 program of basic clinical education, graduate education, or post-gradu-  
12 ate education in an approved school of athletic training, or in a clin-  
13 ical facility, or a health care agency, or for the purposes of continu-  
14 ing education not to exceed a duration of thirty days in any calendar  
15 year, and any athletic trainer who is licensed in another state or coun-  
16 try, who is visiting an athletic training program, conducting clinical  
17 education or clinical research shall be under the supervision of an  
18 athletic trainer licensed in the state and such practice shall be limit-  
19 ed to such instruction or research; or

20 (2) assisting in the care of athletes in a discrete sanctioned athlet-  
21 ic event.

22 2. Any person practicing athletic training in this state pursuant to  
23 this subdivision shall be subject to personal and subject matter juris-  
24 isdiction and the disciplinary and regulatory authority of the board of  
25 regents as if he or she is a licensee and as if the exemption pursuant  
26 to this subdivision is a license. Such individuals shall consent to the  
27 appointment of the secretary of state or other public official accepta-  
28 ble to the department, in such athletic trainers' states of licensure as  
29 the athletic trainers' agents upon whom process may be served in any  
30 actions or proceedings by the department against such athletic trainers.  
31 Such individuals shall comply with the provisions of this article, the  
32 rules of the board of regents and the regulations of the commissioner  
33 relating to professional misconduct, disciplinary proceedings and penal-  
34 ties for professional misconduct.

35 3. (a) Any athletic trainer who is licensed and in good standing in  
36 another state or territory, and who has a written agreement to provide  
37 athletic training services to athletes and team personnel of a United  
38 States sports team recognized by the United States Olympic Committee or  
39 an out-of-state secondary school, an institution of postsecondary educa-  
40 tion, a professional athletic organization sports team, or a performing  
41 arts troupe, may provide athletic training services to such athletes and  
42 team personnel at a discrete sanctioned team sporting event or perform-  
43 ance in this state as defined by the commissioner in regulations,  
44 provided such services are provided only to such athletes and team  
45 personnel at the discrete sanctioned team sporting event or performance.  
46 Any such athletic training services shall be provided only five days  
47 before through three days after each discrete sanctioned team sporting  
48 event or traveling performance.

49 (b) Any person practicing as an athletic trainer in this state pursu-  
50 ant to this subdivision shall be subject to the personal and subject  
51 matter jurisdiction and disciplinary and regulatory authority of the  
52 board of regents as if he or she is a licensee and as if the exemption  
53 pursuant to this subdivision is a license. Such individual shall comply  
54 with applicable provisions of the rules of the board of regents, and the  
55 regulations of the commissioner, relating to professional misconduct,  
56 disciplinary proceedings and penalties for professional misconduct.

1 4. This article shall not be construed to prohibit qualified members  
2 of other licensed or legally recognized professions from performing work  
3 incidental to the practice of their profession, except that such persons  
4 may not hold themselves out under the title athletic trainer or as  
5 performing athletic training.

6 § 7. The education law is amended by adding two new sections 8356-a  
7 and 8356-b to read as follows:

8 § 8356-a. Mandatory continuing education. 1. (a) Each licensed athletic  
9 trainer required under this article to register triennially with the  
10 department to practice in the state shall comply with the provisions of  
11 the mandatory continuing education requirements prescribed in subdivi-  
12 sion two of this section except as set forth in paragraphs (b) and (c)  
13 of this subdivision. Licensed athletic trainers who do not satisfy the  
14 mandatory continuing education requirements shall not practice until  
15 they have met such requirements, and they have been issued a registra-  
16 tion certificate, except that a licensed athletic trainer may practice  
17 without having met such requirements if he or she is issued a condi-  
18 tional registration certificate pursuant to subdivision three of this  
19 section.

20 (b) Each licensed athletic trainer shall be exempt from the mandatory  
21 continuing education requirement for the triennial registration period  
22 during which he or she is first licensed. In accordance with the intent  
23 of this section, adjustment to the mandatory continuing education  
24 requirement may be granted by the department for reasons of health  
25 certified by an appropriate health care professional, for extended  
26 active duty with the armed forces of the United States, or for other  
27 good cause acceptable to the department which may prevent compliance.

28 (c) A licensed athletic trainer not engaged in practice, as determined  
29 by the department, shall be exempt from the mandatory continuing educa-  
30 tion requirement upon the filing of a statement with the department  
31 declaring such status. Any licensee who returns to the practice of  
32 athletic training during the triennial registration period shall notify  
33 the department prior to reentering the profession and shall meet such  
34 mandatory education requirements as shall be prescribed by regulations  
35 of the commissioner.

36 2. During each triennial registration period, an applicant for regis-  
37 tration as a licensed athletic trainer shall complete a minimum of  
38 forty-five hours of acceptable formal continuing education, as specified  
39 in subdivision four of this section. Any licensed athletic trainer whose  
40 first registration date following the effective date of this section  
41 occurs less than three years from such effective date, but on or after  
42 January first, two thousand twenty-one, shall complete continuing educa-  
43 tion hours on a prorated basis at the rate of one hour per month for the  
44 period beginning January first, two thousand twenty-one and then fifteen  
45 hours per year until his or her first registration date thereafter. A  
46 licensee who has not satisfied the mandatory continuing education  
47 requirements shall not be issued a triennial registration certificate by  
48 the department and shall not practice unless and until a conditional  
49 registration certificate is issued as provided for in subdivision three  
50 of this section. Continuing education hours taken during one triennium  
51 may not be transferred to a subsequent triennium.

52 3. The department, in its discretion, may issue a conditional regis-  
53 tration to a licensee who fails to meet the continuing education  
54 requirements established in subdivision two of this section but who  
55 agrees to make up any deficiencies and complete any additional education  
56 which the department may require. The fee for such a conditional regis-

1 tration shall be the same as, and in addition to, the fee for the trien-  
2 ennial registration. The duration of such conditional registration shall  
3 be determined by the department but shall not exceed one year. Any  
4 licensee who is notified of the denial of registration for failure to  
5 submit evidence, satisfactory to the department, of required continuing  
6 education and who practices without such registration may be subject to  
7 disciplinary proceedings pursuant to section sixty-five hundred ten of  
8 this title.

9 4. For purposes of this section:

10 (a) "acceptable learning activities" shall include, but not be limited  
11 to, formal courses of learning which contribute to professional practice  
12 in psychology and/or self-study activities; independent study; formal  
13 mentoring activities; publication in professional journals; or lectures,  
14 which meet the standards prescribed by regulations of the commissioner;  
15 and

16 (b) "formal courses of learning" shall include, but not be limited to,  
17 collegiate level credit and non-credit courses, professional development  
18 programs and technical sessions offered by national, state and local  
19 professional associations and any other organizations acceptable to the  
20 department, and any other organized educational and technical programs  
21 acceptable to the department. Formal courses shall be taken from a  
22 sponsor approved by the department, based upon an application and fee,  
23 pursuant to the regulations of the commissioner.

24 5. The department may, in its discretion and as needed to contribute  
25 to the health and welfare of the public, require the completion of  
26 continuing education credits in specific subjects to fulfill this manda-  
27 tory continuing education requirement.

28 6. A licensed athletic trainer shall maintain adequate documentation  
29 of completion of acceptable formal continuing education and shall  
30 provide such documentation at the request of the department. Failure to  
31 provide such documentation upon the request of the department shall be  
32 an act of misconduct subject to disciplinary proceedings pursuant to  
33 section sixty-five hundred ten of this title.

34 7. The mandatory continuing education fee shall be payable on or  
35 before the first day of each triennial registration period, and shall be  
36 paid in addition to the triennial registration fee required by section  
37 eighty-three hundred fifty-five of this article.

38 § 8356-b. Special provisions. Any person who is certified as an  
39 athletic trainer by the department on the effective date of this section  
40 shall have one year from the effective date to apply for and qualify for  
41 licensure as an athletic trainer without meeting any additional require-  
42 ments.

43 § 8. Section 8357 of the education law, as added by chapter 798 of the  
44 laws of 1992, is amended to read as follows:

45 § 8357. Non-liability of [~~certified~~] licensed athletic trainers for  
46 first aid or emergency treatment. Notwithstanding any inconsistent  
47 provision of any general, special or local law, any [~~certified~~] licensed  
48 athletic trainer who voluntarily and without the expectation of monetary  
49 compensation renders first aid or emergency treatment at the scene of an  
50 accident or other emergency, outside a hospital, doctor's office or any  
51 other place having proper and necessary athletic training equipment, to  
52 a person who is unconscious, ill or injured, shall not be liable for  
53 damages for injuries alleged to have been sustained by such person or  
54 for damages for the death of such person alleged to have occurred by  
55 reason of an act or omission in the rendering of such first aid or emer-  
56 gency treatment unless it is established that such injuries were or such

1 death was caused by gross negligence on the part of such athletic train-  
2 er. Nothing in this section shall be deemed or construed to relieve a  
3 [~~certified~~] licensed athletic trainer from liability for damages for  
4 injuries or death caused by an act or omission on the part of an athlet-  
5 ic trainer while rendering professional services in the normal and ordi-  
6 nary course of his or her practice.

7 § 9. Section 8358 of the education law is renumbered section 8359 and  
8 a new section 8358 is added to read as follows:

9 § 8358. Limited permits. The following requirements for a limited  
10 permit shall apply to all professions licensed or certified pursuant to  
11 this article:

12 1. The department may issue a limited permit to an applicant who meets  
13 all qualifications for licensure, except the examination, in accordance  
14 with regulations promulgated therefor.

15 2. Limited permits shall be for one year; such limited permits may not  
16 be renewed.

17 3. The fee for each limited permit and for each renewal shall be  
18 seventy dollars.

19 4. A limited permit holder shall practice only under the supervision  
20 of a physician as determined in accordance with the commissioner's regu-  
21 lations.

22 § 10. Paragraph a of subdivision 3 of section 6507 of the education  
23 law, as amended by chapter 672 of the laws of 2019, is amended to read  
24 as follows:

25 a. Establish standards for preprofessional and professional education,  
26 experience and licensing examinations as required to implement the arti-  
27 cle for each profession. Notwithstanding any other provision of law, the  
28 commissioner shall establish standards requiring that all persons apply-  
29 ing, on or after January first, nineteen hundred ninety-one, initially,  
30 or for the renewal of, a license, registration or limited permit to be a  
31 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
32 trist, psychiatrist, psychologist, licensed master social worker,  
33 licensed clinical social worker, licensed creative arts therapist,  
34 licensed marriage and family therapist, licensed mental health counse-  
35 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
36 analyst, [~~ex~~] certified behavior analyst assistant, or athletic trainer  
37 shall, in addition to all the other licensure, certification or permit  
38 requirements, have completed two hours of coursework or training regard-  
39 ing the identification and reporting of child abuse and maltreatment.  
40 The coursework or training shall be obtained from an institution or  
41 provider which has been approved by the department to provide such  
42 coursework or training. The coursework or training shall include infor-  
43 mation regarding the physical and behavioral indicators of child abuse  
44 and maltreatment and the statutory reporting requirements set out in  
45 sections four hundred thirteen through four hundred twenty of the social  
46 services law, including but not limited to, when and how a report must  
47 be made, what other actions the reporter is mandated or authorized to  
48 take, the legal protections afforded reporters, and the consequences for  
49 failing to report. Such coursework or training may also include informa-  
50 tion regarding the physical and behavioral indicators of the abuse of  
51 individuals with mental retardation and other developmental disabilities  
52 and voluntary reporting of abused or neglected adults to the office for  
53 people with developmental disabilities or the local adult protective  
54 services unit. Each applicant shall provide the department with documen-  
55 tation showing that he or she has completed the required training. The  
56 department shall provide an exemption from the child abuse and maltreat-



1 ment training requirements to any applicant who requests such an  
2 exemption and who shows, to the department's satisfaction, that there  
3 would be no need because of the nature of his or her practice for him or  
4 her to complete such training;

5 § 11. Section 6505-b of the education law, as amended by chapter 10 of  
6 the laws of 2018, is amended to read as follows:

7 § 6505-b. Course work or training in infection control practices.  
8 Every dentist, registered nurse, licensed practical nurse, podiatrist,  
9 optometrist, athletic trainer and dental hygienist practicing in the  
10 state shall, on or before July first, nineteen hundred ninety-four and  
11 every four years thereafter, complete course work or training appropri-  
12 ate to the professional's practice approved by the department regarding  
13 infection control, which shall include sepsis, and barrier precautions,  
14 including engineering and work practice controls, in accordance with  
15 regulatory standards promulgated by the department, in consultation with  
16 the department of health, which shall be consistent, as far as appropri-  
17 ate, with such standards adopted by the department of health pursuant to  
18 section two hundred thirty-nine of the public health law to prevent the  
19 transmission of HIV, HBV, HCV and infections that could lead to sepsis  
20 in the course of professional practice. Each such professional shall  
21 document to the department at the time of registration commencing with  
22 the first registration after July first, nineteen hundred ninety-four  
23 that the professional has completed course work or training in accord-  
24 ance with this section, provided, however that a professional subject to  
25 the provisions of paragraph (f) of subdivision one of section twenty-  
26 eight hundred five-k of the public health law shall not be required to  
27 so document. The department shall provide an exemption from this  
28 requirement to anyone who requests such an exemption and who (i) clearly  
29 demonstrates to the department's satisfaction that there would be no  
30 need for him or her to complete such course work or training because of  
31 the nature of his or her practice or (ii) that he or she has completed  
32 course work or training deemed by the department to be equivalent to the  
33 course work or training approved by the department pursuant to this  
34 section. The department shall consult with organizations representative  
35 of professions, institutions and those with expertise in infection  
36 control and HIV, HBV, HCV and infections that could lead to sepsis with  
37 respect to the regulatory standards promulgated pursuant to this  
38 section.

39 § 12. Paragraph (a) of subdivision 1 of section 413 of the social  
40 services law, as amended by section 7 of part C of chapter 57 of the  
41 laws of 2018, is amended to read as follows:

42 (a) The following persons and officials are required to report or  
43 cause a report to be made in accordance with this title when they have  
44 reasonable cause to suspect that a child coming before them in their  
45 professional or official capacity is an abused or maltreated child, or  
46 when they have reasonable cause to suspect that a child is an abused or  
47 maltreated child where the parent, guardian, custodian or other person  
48 legally responsible for such child comes before them in their profes-  
49 sional or official capacity and states from personal knowledge facts,  
50 conditions or circumstances which, if correct, would render the child an  
51 abused or maltreated child: any physician; registered physician assist-  
52 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
53 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
54 athletic trainer; psychologist; registered nurse; social worker; emer-  
55 gency medical technician; licensed creative arts therapist; licensed  
56 marriage and family therapist; licensed mental health counselor;

1 licensed psychoanalyst; licensed behavior analyst; certified behavior  
2 analyst assistant; hospital personnel engaged in the admission, examina-  
3 tion, care or treatment of persons; a Christian Science practitioner;  
4 school official, which includes but is not limited to school teacher,  
5 school guidance counselor, school psychologist, school social worker,  
6 school nurse, school administrator or other school personnel required to  
7 hold a teaching or administrative license or certificate; full or part-  
8 time compensated school employee required to hold a temporary coaching  
9 license or professional coaching certificate; social services worker;  
10 employee of a publicly-funded emergency shelter for families with chil-  
11 dren; director of a children's overnight camp, summer day camp or trav-  
12 eling summer day camp, as such camps are defined in section thirteen  
13 hundred ninety-two of the public health law; day care center worker;  
14 school-age child care worker; provider of family or group family day  
15 care; employee or volunteer in a residential care facility for children  
16 that is licensed, certified or operated by the office of children and  
17 family services; or any other child care or foster care worker; mental  
18 health professional; substance abuse counselor; alcoholism counselor;  
19 all persons credentialed by the office of alcoholism and substance abuse  
20 services; employees, who are expected to have regular and substantial  
21 contact with children, of a health home or health home care management  
22 agency contracting with a health home as designated by the department of  
23 health and authorized under section three hundred sixty-five-1 of this  
24 chapter or such employees who provide home and community based services  
25 under a demonstration program pursuant to section eleven hundred fifteen  
26 of the federal social security act who are expected to have regular and  
27 substantial contact with children; peace officer; police officer;  
28 district attorney or assistant district attorney; investigator employed  
29 in the office of a district attorney; or other law enforcement official.  
30 § 13. This act shall take effect two years after it shall have become  
31 a law, provided, however, that section 8356-a of the education law as  
32 added by section seven of this act shall take effect five years after  
33 this act shall have become a law. Effective immediately, the addition,  
34 amendment and/or repeal of any rule or regulation necessary for the  
35 implementation of this act on its effective date are authorized to be  
36 made and completed on or before such date.