

# STATE OF NEW YORK

5044--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 10, 2021

Introduced by M. of A. SOLAGES, SANTABARBARA, MONTESANO, HUNTER, GRIF-  
FIN, EPSTEIN, FAHY, CLARK -- Multi-Sponsored by -- M. of A. BRONSON,  
STECK -- read once and referred to the Committee on Higher Education  
-- committee discharged, bill amended, ordered reprinted as amended  
and recommitted to said committee

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 Assem-  
bly, do enact as follows:

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

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

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

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

(a) The prevention, recognition, examination, evaluation, assessment,  
management, treatment and rehabilitation of athletic injuries that occur  
in active individuals. Athletic training involves the recognition,  
evaluation, and assistance in the management of sport-related illnesses  
and medical conditions in active individuals, pursuant to the athletic  
trainer's education, experience, and competencies.

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

LBD04477-06-1

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

7 (c) The practice of athletic training may include use of various clin-  
8 ically appropriate therapeutic modalities and techniques. Such clin-  
9 ically appropriate therapeutic modalities and techniques include the use  
10 of physical, chemical, and mechanical means including, but not limited  
11 to, use of heat, cold, light, air, water, sound, electricity, massage,  
12 mobilization, and therapeutic exercise. Such clinically appropriate  
13 therapeutic modalities may include appropriate preventative and support-  
14 ive devices and/or temporary splinting or bracing. Such clinically  
15 appropriate therapeutic modalities include the performance and interpre-  
16 tation of tests and measurements to assess pathophysiological and patho-  
17 mechanical deficits of the human systems to determine treatment, and to  
18 assist in the planning of rehabilitation for recovery and return to  
19 activity.

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

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

## 40 2. Boundaries of professional practice.

41 (a) Any individual whose license or authority to practice derives from  
42 the provisions of this article shall be practicing beyond the boundaries  
43 of professional practice if such individual provides services not  
44 authorized pursuant to the standard written protocol, and such individ-  
45 ual shall be prohibited from prescribing any medication or controlled  
46 substance or performing surgery, suturing, or any invasive procedures,  
47 in which human tissue is cut, altered, or otherwise pierced by mechan-  
48 ical or other means, including needles, except that nothing in this  
49 section shall be construed to prohibit the use of an epinephrine auto-  
50 injector device pursuant to section three thousand-c of the public  
51 health law.

52 (b) The standard written protocol shall include explicit provisions  
53 for the resolution of any disagreement between the supervising physician  
54 and the athletic trainer. To the extent the standard written protocol  
55 does not so provide, then the supervising physician's decision shall  
56 prevail.

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

§ 8352. ~~[Definition of practice of]~~ Definitions related to athletic training. ~~[The practice of the profession of athletic training is defined as the application of principles, methods and procedures for managing athletic injuries, which shall include the preconditioning, conditioning and reconditioning of an individual who has suffered an athletic injury through the use of appropriate preventative and supportive devices, under the supervision of a physician and recognizing illness and referring to the appropriate medical professional with implementation of treatment pursuant to physician's orders. Athletic 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 emergent disease, disorder, sickness or affliction that arises from or is an acute manifestation of an active individual's participation in an exercise, a sport, a game, or a recreational activity, or other emergent 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 written protocols, recommendations, or guidelines to work with an active individual who requires athletic training services and that: (a) are created in collaboration with the licensed athletic trainer and the supervising physician and are signed in agreement by the licensed athletic trainer and the supervising physician; (b) are followed by a licensed athletic trainer while performing athletic training with the consent of, and when not directly supervised onsite, by the supervising physician; (c) are annually reviewed and renewed by the supervising physician and licensed athletic trainer to ensure quality care; (d) require the availability of ongoing communication between the supervising physician and the licensed athletic trainer; and (e) include a plan for emergency situations, appropriate treatment and rehabilitation for specific injuries or illnesses, and instructions for the treatment and management of spinal cord injuries.

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 athletic individuals, performing artists and individuals involved in public protection, emergency services, 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

1 agility required for an exercise, a sport, a game or a recreational  
2 activity.

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

5 § 8353. Use of the title "[~~certified~~] licensed athletic trainer".  
6 Only a person [~~certified~~] licensed or otherwise authorized under this  
7 article shall practice athletic training or use the title "[~~certified~~]  
8 licensed athletic trainer" or the abbreviation "AT" in connection with  
9 his or her name or with any trade name in the conduct of his or her  
10 profession.

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

13 § 8354. State committee for athletic trainers. A state committee for  
14 athletic trainers shall be appointed by the board of regents, upon the  
15 recommendation of the commissioner and shall assist on matters of  
16 [~~certification~~] professional licensing and professional conduct in  
17 accordance with section six thousand five hundred eight of this title.  
18 The committee shall consist of [~~five~~] seven members [~~who~~], five of whom  
19 are athletic trainers [~~certified~~] licensed in this state, one physician  
20 who is licensed in the state of New York as an orthopedic surgeon, a  
21 primary care/family practice physician, a sports medicine practitioner,  
22 or a neurologist, and one public member that is a consumer of the  
23 profession. The committee shall assist the state board for medicine in  
24 athletic training matters. Nominations and terms of office of the  
25 members of the state committee for athletic trainers shall conform to  
26 the corresponding provisions relating thereto for state boards under  
27 article one hundred thirty of title eight of this chapter. [~~Notwith-~~  
28 ~~standing the foregoing, the members of the first committee need not be~~  
29 ~~certified prior to their appointment to the committee.~~]

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

32 § 8355. Requirements and procedure for professional [~~certification~~]  
33 licensure. [~~For certification as a certified~~] To qualify for a license  
34 as an athletic trainer under this article, an applicant shall fulfill  
35 the following requirements:

36 1. Application: file an application with the department;

37 2. Education: have received an education including a bachelor's, its  
38 equivalent or higher degree in accordance with the commissioner's regu-  
39 lations, provided however, after December thirty-first, two thousand  
40 thirty, applicants must have received a master's degree, its equivalent  
41 or higher in accordance with the commissioner's regulations;

42 3. Experience: have experience in accordance with the commissioner's  
43 regulations;

44 4. Examination: pass an examination in accordance with the commission-  
45 er's regulations;

46 5. Age: be at least twenty-one years of age; [~~and~~]

47 6. Fees: pay a fee for an initial [~~certificate~~] license of one hundred  
48 dollars to the department; and a fee of fifty dollars for each triennial  
49 registration period[~~-~~]; and

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

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

54 § 8356. [~~Special provisions. A person shall be certified without exam-~~  
55 ~~ination provided that, within three years from the effective date of~~  
56 ~~regulations implementing the provisions of this article, the individual~~]

~~1. files an application and pays the appropriate fees to the department, and~~

~~2. meets the requirements of subdivisions two and five of section eight thousand three hundred fifty-five of this article and who in addition:~~

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

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

(a) the practice of athletic training that is an integral part of a program of study by students enrolled in an athletic training program acceptable by the department or the substantial equivalent as determined by the department. Students enrolled in an athletic training program determined as acceptable by the department shall be identified as "athletic training students" and shall only practice athletic training under the direction and supervision of an athletic trainer currently licensed under this article. An athletic training student shall not hold himself or herself out as a licensed athletic trainer; or

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

(1) clinical education, practice demonstrations or clinical research that is within the practice of athletic training in connection with a program of basic clinical education, graduate education, or post-graduate education in an approved school of athletic training, or in a clinical facility, or a health care agency, or for the purposes of continuing education not to exceed a duration of thirty days in any calendar year, and any athletic trainer who is licensed in another state or country, who is visiting an athletic training program, conducting clinical education or clinical research shall be under the supervision of an athletic trainer licensed in the state and such practice shall be limited to such instruction or research; or

(2) assisting in the care of athletes in a discrete sanctioned athletic event.

2. Any person practicing athletic training in this state pursuant to this subdivision shall be subject to personal and subject matter jurisdiction and the disciplinary and regulatory authority of the board of regents as if he or she is a licensee and as if the exemption pursuant to this subdivision is a license. Such individuals shall consent to the appointment of the secretary of state or other public official acceptable to the department, in such athletic trainers' states of licensure as the athletic trainers' agents upon whom process may be served in any actions or proceedings by the department against such athletic trainers. Such individuals shall comply with the provisions of this article, the rules of the board of regents and the regulations of the commissioner relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct.

3. (a) Any athletic trainer who is licensed and in good standing in another state or territory, and who has a written agreement to provide athletic training services to athletes and team personnel of a United States sports team recognized by the United States Olympic Committee or an out-of-state secondary school, an institution of postsecondary education, a professional or amateur athletic organization sports team, or a



1 performing arts troupe, may provide athletic training services to such  
2 athletes and team personnel at a discrete sanctioned team sporting event  
3 or performance in this state as defined by the commissioner in regu-  
4 lations, provided such services are provided only to such athletes and  
5 team personnel at the discrete sanctioned team sporting event or  
6 performance. Any such athletic training services shall be provided only  
7 five days before through three days after each discrete sanctioned team  
8 sporting event or traveling performance.

9 (b) Any person practicing as an athletic trainer in this state pursu-  
10 ant to this subdivision shall be subject to the personal and subject  
11 matter jurisdiction and disciplinary and regulatory authority of the  
12 board of regents as if he or she is a licensee and as if the exemption  
13 pursuant to this subdivision is a license. Such individual shall comply  
14 with applicable provisions of the rules of the board of regents, and the  
15 regulations of the commissioner, relating to professional misconduct,  
16 disciplinary proceedings and penalties for professional misconduct.

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

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

24 § 8356-a. Mandatory continuing education. 1. (a) Each licensed athlet-  
25 ic trainer required under this article to register triennially with the  
26 department to practice in the state shall comply with the provisions of  
27 the mandatory continuing education requirements prescribed in subdivi-  
28 sion two of this section except as set forth in paragraphs (b) and (c)  
29 of this subdivision. Licensed athletic trainers who do not satisfy the  
30 mandatory continuing education requirements shall not practice until  
31 they have met such requirements, and they have been issued a registra-  
32 tion certificate, except that a licensed athletic trainer may practice  
33 without having met such requirements if he or she is issued a condi-  
34 tional registration certificate pursuant to subdivision three of this  
35 section.

36 (b) Each licensed athletic trainer shall be exempt from the mandatory  
37 continuing education requirement for the triennial registration period  
38 during which he or she is first licensed. In accordance with the intent  
39 of this section, adjustment to the mandatory continuing education  
40 requirement may be granted by the department for reasons of health  
41 certified by an appropriate health care professional, for extended  
42 active duty with the armed forces of the United States, or for other  
43 good cause acceptable to the department which may prevent compliance.

44 (c) A licensed athletic trainer not engaged in practice, as determined  
45 by the department, shall be exempt from the mandatory continuing educa-  
46 tion requirement upon the filing of a statement with the department  
47 declaring such status. Any licensee who returns to the practice of  
48 athletic training during the triennial registration period shall notify  
49 the department prior to reentering the profession and shall meet such  
50 mandatory education requirements as shall be prescribed by regulations  
51 of the commissioner.

52 2. During each triennial registration period, an applicant for regis-  
53 tration as a licensed athletic trainer shall complete a minimum of  
54 forty-five hours of acceptable formal continuing education, as specified  
55 in subdivision four of this section. Any licensed athletic trainer whose  
56 first registration date following the effective date of this section

1 occurs less than three years from such effective date, but on or after  
2 January first, two thousand twenty, shall complete continuing education  
3 hours on a prorated basis at the rate of one hour per month for the  
4 period beginning January first, two thousand twenty and then fifteen  
5 hours per year until his or her first registration date thereafter. A  
6 licensee who has not satisfied the mandatory continuing education  
7 requirements shall not be issued a triennial registration certificate by  
8 the department and shall not practice unless and until a conditional  
9 registration certificate is issued as provided for in subdivision three  
10 of this section. Continuing education hours taken during one triennium  
11 shall not be transferred to a subsequent triennium.

12 3. The department, in its discretion, may issue a conditional regis-  
13 tration to a licensee who fails to meet the continuing education  
14 requirements established in subdivision two of this section but who  
15 agrees to make up any deficiencies and complete any additional education  
16 which the department may require. The fee for such a conditional regis-  
17 tration shall be the same as, and in addition to, the fee for the trien-  
18 ennial registration. The duration of such conditional registration shall  
19 be determined by the department but shall not exceed one year. Any  
20 licensee who is notified of the denial of registration for failure to  
21 submit evidence, satisfactory to the department, of required continuing  
22 education and who practices without such registration may be subject to  
23 disciplinary proceedings pursuant to section sixty-five hundred ten of  
24 this title.

25 4. For purposes of this section:

26 (a) "acceptable learning activities" shall include, but not be limited  
27 to, formal courses of learning which contribute to professional practice  
28 in athletic training and/or self-study activities; independent study;  
29 formal mentoring activities; publication in professional journals; or  
30 lectures, which meet the standards prescribed by regulations of the  
31 commissioner; and

32 (b) "formal courses of learning" shall include, but not be limited to,  
33 collegiate level credit and non-credit courses, professional development  
34 programs and technical sessions offered by national, state and local  
35 professional associations and any other organizations acceptable to the  
36 department, and any other organized educational and technical programs  
37 acceptable to the department. Formal courses shall be taken from a  
38 sponsor approved by the department, based upon an application and fee,  
39 pursuant to the regulations of the commissioner.

40 5. The department may, in its discretion and as needed to contribute  
41 to the health and welfare of the public, require the completion of  
42 continuing education credits in specific subjects to fulfill the manda-  
43 tory continuing education requirement.

44 6. A licensed athletic trainer shall maintain adequate documentation  
45 of completion of acceptable formal continuing education and shall  
46 provide such documentation at the request of the department. Failure to  
47 provide such documentation upon the request of the department shall be  
48 an act of misconduct subject to disciplinary proceedings pursuant to  
49 section sixty-five hundred ten of this title.

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

54 § 8356-b. Special provisions. Any person who is certified as an  
55 athletic trainer by the department on the effective date of this section  
56 shall have one year from the effective date to apply for and qualify for

1 licensure as an athletic trainer without meeting any additional require-  
2 ments.

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

5 § 8357. Non-liability of ~~[certified]~~ licensed athletic trainers for  
6 first aid or emergency treatment. Notwithstanding any inconsistent  
7 provision of any general, special or local law, any ~~[certified]~~ licensed  
8 athletic trainer who voluntarily and without the expectation of monetary  
9 compensation renders first aid or emergency treatment at the scene of an  
10 accident or other emergency, outside a hospital, doctor's office or any  
11 other place having proper and necessary athletic training equipment, to  
12 a person who is unconscious, ill or injured, shall not be liable for  
13 damages for injuries alleged to have been sustained by such person or  
14 for damages for the death of such person alleged to have occurred by  
15 reason of an act or omission in the rendering of such first aid or emer-  
16 gency treatment unless it is established that such injuries were or such  
17 death was caused by gross negligence on the part of such athletic train-  
18 er. Nothing in this section shall be deemed or construed to relieve a  
19 ~~[certified]~~ licensed athletic trainer from liability for damages for  
20 injuries or death caused by an act or omission on the part of an athlet-  
21 ic trainer while rendering professional services in the normal and ordi-  
22 nary course of his or her practice.

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

25 § 8358. Limited permits. The following requirements for a limited  
26 permit shall apply to all professions licensed or certified pursuant to  
27 this article:

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

31 2. Limited permits shall be for one year; such limited permits shall  
32 not be renewed.

33 3. The fee for each limited permit and for each renewal shall be  
34 seventy dollars.

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

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

41 a. Establish standards for preprofessional and professional education,  
42 experience and licensing examinations as required to implement the arti-  
43 cle for each profession. Notwithstanding any other provision of law, the  
44 commissioner shall establish standards requiring that all persons apply-  
45 ing, on or after January first, nineteen hundred ninety-one, initially,  
46 or for the renewal of, a license, registration or limited permit to be a  
47 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
48 trist, psychiatrist, psychologist, licensed master social worker,  
49 licensed clinical social worker, licensed creative arts therapist,  
50 licensed marriage and family therapist, licensed mental health counse-  
51 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
52 analyst, ~~[or]~~ certified behavior analyst assistant, or athletic trainer  
53 shall, in addition to all the other licensure, certification or permit  
54 requirements, have completed two hours of coursework or training regard-  
55 ing the identification and reporting of child abuse and maltreatment.  
56 The coursework or training shall be obtained from an institution or



1 provider which has been approved by the department to provide such  
2 coursework or training. The coursework or training shall include infor-  
3 mation regarding the physical and behavioral indicators of child abuse  
4 and maltreatment and the statutory reporting requirements set out in  
5 sections four hundred thirteen through four hundred twenty of the social  
6 services law, including but not limited to, when and how a report must  
7 be made, what other actions the reporter is mandated or authorized to  
8 take, the legal protections afforded reporters, and the consequences for  
9 failing to report. Such coursework or training may also include informa-  
10 tion regarding the physical and behavioral indicators of the abuse of  
11 individuals with mental retardation and other developmental disabilities  
12 and voluntary reporting of abused or neglected adults to the office for  
13 people with developmental disabilities or the local adult protective  
14 services unit. Each applicant shall provide the department with documen-  
15 tation showing that he or she has completed the required training. The  
16 department shall provide an exemption from the child abuse and maltreat-  
17 ment training requirements to any applicant who requests such an  
18 exemption and who shows, to the department's satisfaction, that there  
19 would be no need because of the nature of his or her practice for him or  
20 her to complete such training;

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

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

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

4     (a) The following persons and officials are required to report or  
5 cause a report to be made in accordance with this title when they have  
6 reasonable cause to suspect that a child coming before them in their  
7 professional or official capacity is an abused or maltreated child, or  
8 when they have reasonable cause to suspect that a child is an abused or  
9 maltreated child where the parent, guardian, custodian or other person  
10 legally responsible for such child comes before them in their profes-  
11 sional or official capacity and states from personal knowledge facts,  
12 conditions or circumstances which, if correct, would render the child an  
13 abused or maltreated child: any physician; registered physician assist-  
14 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
15 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
16 athletic trainer; psychologist; registered nurse; social worker; emer-  
17 gency medical technician; licensed creative arts therapist; licensed  
18 marriage and family therapist; licensed mental health counselor;  
19 licensed psychoanalyst; licensed behavior analyst; certified behavior  
20 analyst assistant; hospital personnel engaged in the admission, examina-  
21 tion, care or treatment of persons; a Christian Science practitioner;  
22 school official, which includes but is not limited to school teacher,  
23 school guidance counselor, school psychologist, school social worker,  
24 school nurse, school administrator or other school personnel required to  
25 hold a teaching or administrative license or certificate; full or part-  
26 time compensated school employee required to hold a temporary coaching  
27 license or professional coaching certificate; social services worker;  
28 employee of a publicly-funded emergency shelter for families with chil-  
29 dren; director of a children's overnight camp, summer day camp or trav-  
30 eling summer day camp, as such camps are defined in section thirteen  
31 hundred ninety-two of the public health law; day care center worker;  
32 school-age child care worker; provider of family or group family day  
33 care; employee or volunteer in a residential care facility for children  
34 that is licensed, certified or operated by the office of children and  
35 family services; or any other child care or foster care worker; mental  
36 health professional; substance abuse counselor; alcoholism counselor;  
37 all persons credentialed by the office of alcoholism and substance abuse  
38 services; employees, who are expected to have regular and substantial  
39 contact with children, of a health home or health home care management  
40 agency contracting with a health home as designated by the department of  
41 health and authorized under section three hundred sixty-five-1 of this  
42 chapter or such employees who provide home and community based services  
43 under a demonstration program pursuant to section eleven hundred fifteen  
44 of the federal social security act who are expected to have regular and  
45 substantial contact with children; peace officer; police officer;  
46 district attorney or assistant district attorney; investigator employed  
47 in the office of a district attorney; or other law enforcement official.

48     § 13. This act shall take effect two years after it shall have become  
49 a law, provided, however, that section 8356-a of the education law as  
50 added by section seven of this act shall take effect five years after  
51 this act shall have become a law. Effective immediately, the addition,  
52 amendment and/or repeal of any rule or regulation necessary for the  
53 implementation of this act on its effective date are authorized to be  
54 made and completed on or before such date.