

STATE OF NEW YORK

942

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sen. BAILEY -- 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 licensed athletic trainers who are health care
18 providers, 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,
22 evaluation, and assistance in the management of sport-related illnesses
23 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.

LBD02032-01-3

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, use of heat,
11 cold, light, air, water, sound, electricity, massage, and therapeutic
12 exercise. Such clinically appropriate therapeutic modalities may include
13 appropriate preventative and supportive devices and/or temporary splint-
14 ing or bracing. Such clinically appropriate therapeutic modalities
15 include the evaluation and assessment to determine treatment, and to
16 assist in the planning of rehabilitation for recovery and return to
17 activity.

18 (d) The scope of work described [~~herein shall not be construed as~~
19 ~~authorizing the reconditioning of neurologic injuries, conditions or~~
20 ~~disease]~~ in this section shall not be construed as authorizing the
21 management and treatment of acute, subacute, or chronic neurological
22 pathologies and comorbidities or neurological disease processes with the
23 exception of initial evaluation and triage of emergent neurological
24 conditions such as potential concussions, spinal cord injuries or nerve
25 injuries resulting from participation in an athletic endeavor. Once the
26 individual has been cleared by a supervising physician, after sustaining
27 such an injury, the athletic trainer shall work with the individual
28 pursuant to standard written protocol to manage, monitor and treat such
29 injuries for participation in rehabilitation for an athletic endeavor.

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

34 2. Boundaries of professional practice.

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

46 (b) The standard written protocol shall include explicit provisions
47 for the resolution of any disagreement between the supervising physician
48 and the athletic trainer. To the extent the standard written protocol
49 does not so provide, then the supervising physician's decision shall
50 prevail.

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

53 § 8352. [~~Definition of practice of]~~ Definitions related to athletic
54 training. [~~The practice of the profession of athletic training is~~
55 ~~defined as the application of principles, methods and procedures for~~
56 ~~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 oversight 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. "athletic endeavor" shall include training, adaptive athletics, physical activity, performing arts, public protection, and emergency services.

5. "standard written protocol" shall mean written protocols, recommendations, or guidelines to work with active individuals who require 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 that result from athletic endeavors, and instructions for the treatment and management of spinal cord injuries.

6. "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.

7. "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 agility required for an exercise, a sport, a game or a recreational activity.

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

3 § 8353. Use of the title "[~~certified~~] licensed athletic trainer".
4 Only a person [~~certified~~] licensed or otherwise authorized under this
5 article shall practice athletic training or use the title "athletic
6 trainer" or "[~~certified~~] licensed athletic trainer" or the abbreviation
7 "AT" or "LAT" in connection with his or her name or with any trade name
8 in the conduct of his or her profession.

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

11 § 8354. State committee for athletic trainers. A state committee for
12 athletic trainers shall be appointed by the board of regents, upon the
13 recommendation of the commissioner and shall assist on matters of
14 [~~certification~~] professional licensing, professional practice, and
15 professional conduct in accordance with section six thousand five
16 hundred eight of this title. The committee shall consist of [~~five~~] seven
17 members [~~who~~], five of whom are athletic trainers [~~certified~~] licensed
18 in this state, one physician who is licensed in the state of New York
19 and certified by a physician specialty certification organization
20 acceptable to the department in the specialties of orthopedic surgery,
21 primary care, family practice, sports medicine, or neurology, and one
22 public member that is a consumer of the profession. The committee shall
23 assist the state board for medicine in athletic training matters. Nomi-
24 nations and terms of office of the members of the state committee for
25 athletic trainers shall conform to the corresponding provisions relating
26 thereto for state boards under article one hundred thirty of title eight
27 of this chapter. [~~Notwithstanding the foregoing, the members of the~~
28 ~~first committee need not be certified prior to their appointment to the~~
29 ~~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-one, applicants shall have received a master's degree, its equiv-
41 alent 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 commision-
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 ~~1. files an application and pays the appropriate fees to the depart-~~
2 ~~ment, and~~

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

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

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

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

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

25 (1) clinical education, practice demonstrations or clinical research
26 that is within the practice of athletic training in connection with a
27 program of basic clinical education, graduate education, or post-gradu-
28 ate education in an approved school of athletic training, or in a clin-
29 ical facility, or a health care agency, or for the purposes of continu-
30 ing education not to exceed a duration of thirty days in any calendar
31 year, and any athletic trainer who is licensed in another state or coun-
32 try, who is visiting an athletic training program, conducting clinical
33 education or clinical research shall be under the supervision of an
34 athletic trainer licensed in the state and such practice shall be limit-
35 ed to such instruction or research; or

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

38 2. Any person practicing athletic training in this state pursuant to
39 this subdivision shall be subject to personal and subject matter juris-
40 isdiction and the disciplinary and regulatory authority of the board of
41 regents as if he or she is a licensee and as if the exemption pursuant
42 to this subdivision is a license. Such individuals shall consent to the
43 appointment of the secretary of state or other public official accepta-
44 ble to the department, in such athletic trainers' states of licensure as
45 the athletic trainers' agents upon whom process may be served in any
46 actions or proceedings by the department against such athletic trainers.
47 Such individuals shall comply with the provisions of this article, the
48 rules of the board of regents and the regulations of the commissioner
49 relating to professional misconduct, disciplinary proceedings and penal-
50 ties for professional misconduct.

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

1 sports team, or a performing arts troupe, may provide athletic training
2 services to such athletes and team personnel at a discrete sanctioned
3 team sporting event or performance in this state as defined by the
4 commissioner in regulations, provided such services are provided only to
5 such athletes and team personnel at the discrete sanctioned team sport-
6 ing event or performance. Any such athletic training services shall be
7 provided only five days before through three days after each discrete
8 sanctioned team 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-three, shall complete continuing
3 education hours on a prorated basis at the rate of one hour per month
4 for the period beginning January first, two thousand twenty-three and
5 then fifteen hours per year until his or her first registration date
6 thereafter. A licensee who has not satisfied the mandatory continuing
7 education requirements shall not be issued a triennial registration
8 certificate by the department and shall not practice unless and until a
9 conditional registration certificate is issued as provided for in subdivi-
10 vision three of this section. Continuing education hours taken during
11 one triennium 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 niel 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 under this section.

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; the department may for
32 justifiable cause renew a limited permit, provided that no applicant
33 shall practice under any limited permit for more than a total of two
34 years.

35 3. The fee for each limited permit and for each renewal shall be
36 seventy dollars.

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

40 § 10. Paragraph a of subdivision 3 of section 6507 of the education
41 law, as amended by chapter 479 of the laws of 2022, is amended to read
42 as follows:

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

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

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

24 § 6505-b. Course work or training in infection control practices.
25 Every dentist, registered nurse, licensed practical nurse, podiatrist,
26 optometrist, athletic trainer and dental hygienist practicing in the
27 state shall, on or before July first, nineteen hundred ninety-four and
28 every four years thereafter, complete course work or training appropri-
29 ate to the professional's practice approved by the department regarding
30 infection control, which shall include sepsis, and barrier precautions,
31 including engineering and work practice controls, in accordance with
32 regulatory standards promulgated by the department, in consultation with
33 the department of health, which shall be consistent, as far as appropri-
34 ate, with such standards adopted by the department of health pursuant to
35 section two hundred thirty-nine of the public health law to prevent the
36 transmission of HIV, HBV, HCV and infections that could lead to sepsis
37 in the course of professional practice. Each such professional shall
38 document to the department at the time of registration commencing with
39 the first registration after July first, nineteen hundred ninety-four
40 that the professional has completed course work or training in accord-
41 ance with this section, provided, however that a professional subject to
42 the provisions of paragraph (f) of subdivision one of section twenty-
43 eight hundred five-k of the public health law shall not be required to
44 so document. The department shall provide an exemption from this
45 requirement to anyone who requests such an exemption and who (i) clearly
46 demonstrates to the department's satisfaction that there would be no
47 need for him or her to complete such course work or training because of
48 the nature of his or her practice or (ii) that he or she has completed
49 course work or training deemed by the department to be equivalent to the
50 course work or training approved by the department pursuant to this
51 section. The department shall consult with organizations representative
52 of professions, institutions and those with expertise in infection
53 control and HIV, HBV, HCV and infections that could lead to sepsis with
54 respect to the regulatory standards promulgated pursuant to this
55 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.