



NEW YORK STATE SENATOR

Stephen M. Saland

Saland's Professional Discipline Legislation Signed by Governor

STEPHEN M. SALAND July 31, 2012

| ISSUE: **CRIME, MENTAL HEALTH, VICTIMS, HEALTH CARE, DEVELOPMENTAL DISABILITIES**

Closes Reporting Requirements Loophole For Sex Offenses

Senator Stephen Saland (R,I,C - Poughkeepsie) announced today that his bill remedying a significant loophole in reporting requirements for medical professionals has been signed into law by Governor Andrew Cuomo. The legislation, Senate Bill 7456, requires professional conduct officers or investigators of misconduct to report sex offenses committed by mental health professionals to appropriate law enforcement.

Previously, reporting requirements varied according to the license of the offender. Saland said the law will bring consistency to the reporting requirements of similar sex offenses.

"For an act as heinous as sexual abuse by a mental health provider, we must ensure that the state acts in a strict, uniform manner to protect victims and punish offenders," said Saland. "We have an obligation to protect our most vulnerable citizens. Regardless of the technical certification of the mental health professional, the vital patient-provider relationship requires rigorous and consistent oversight on behalf of the state."

Currently, the Office of Professional Medical Conduct (OPMC)—the authority charged with investigating client and patient complaints about physicians and psychiatrists—is required, as a result of a law previously authored by Senator Saland, to report any knowledge of

professional sexual misconduct directly to law enforcement. While the requirement acts as a valuable safeguard, psychotherapists and social workers are not subject to the same reporting standards as they are overseen by a separate body—the Office of Professional Discipline (OPD). By mirroring the effective system of OPMC, Saland’s legislation fills a considerable gap in the current law to ensure the safety of a notably vulnerable population.