



Department of Health

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Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

March 26, 2018

DHDTTC DAL 18-04

Dear Chief Executive Officer/Administrator:

The purpose of this letter is to inform you of legislation, effective November 4, 2017, which requires general hospitals and diagnostic and treatment centers (DT&C) to establish and implement policies and procedures pertaining to the identification, assessment, and referral of victims of human trafficking. A copy of new Public Health Law (PHL) § 2805-y, added by Chapter 408 of the Laws of 2016, is attached.

The New York State Department of Health (Department), in consultation with the New York State Office of Temporary and Disability Assistance (OTDA) and the New York State Office of Children and Family Services (OCFS), is in the process of developing regulations to implement new PHL § 2805-y.

Consistent with the statute, the regulations will require general hospitals and diagnostic and treatment centers to establish written policies and procedures for the identification, assessment, treatment and referral of individuals who are or appear to be human trafficking victims and train staff in such policies and procedures. These requirements apply to service units as defined in PHL § 2805-y(1)(d). The service units covered by the law are intended to be comprehensive and cover most areas of operation in hospital inpatient and outpatient areas, as well as in D&TCs. Further, as set forth in the law, the regulations will reiterate that policies and procedures must provide for the referral of human trafficking victims under the age of 18 to the Statewide Central Register of Child Abuse and Maltreatment established pursuant to Social Services Law Title 6, Article 6.

The hospital or DT&C is responsible for informing a person (either verbally or in writing) who is or who appears to be a human trafficking victim of the availability of services, including those referenced in Article 10-D of the Social Services Law, upon admission, treatment or discharge, including discharge or transfer from the emergency or observation service. Referrals may also be made to other health care providers, as appropriate.

The hospital or DT&C must establish and implement staff training regarding the policies and procedures for all individuals licensed or certified pursuant to title eight of the education law, and for all security personnel.

The following resources are provided to assist in the development of policies and procedures required by the law and upcoming regulations. Additionally, they are useful for the preparation of staff training, particularly in the identification of those patients who are or appear to be human trafficking victims.

- A course entitled “NYSDOH Human Trafficking Awareness Training,” available on the Department’s NYLearnsPH.com Learning Management System at <https://www.nylearnsph.com/public>;
- Materials on human trafficking on the OTDA website at <https://otda.ny.gov/programs/bria/trafficking.asp>;
- Materials on human trafficking on the OCFS website at <http://ocfs.ny.gov/main/humantrafficking/default.asp>;
- Materials on human trafficking on the website of the Division of Criminal Justice Services <http://www.criminaljustice.ny.gov/pio/humantrafficking/humantrafficking.htm>
- Materials made available by the Health, Education, Advocacy and Linkage (HEAL) network, including its toolkit for developing protocols in health settings, at <https://healtrafficking.org>;
- Training available through the United States Department of Health and Human Services (HHS) Stop, Observe, Ask, Respond to Human Trafficking (SOAR) program, at <https://www.acf.hhs.gov/otip/training/soar-to-health-and-wellness-training>; and
- Information about the potential of disaster situations to lead to conditions conducive to human trafficking on the HHS website at <https://www.phe.gov/Preparedness/planning/abc/Pages/human-trafficking.aspx>.

Thank you for your attention to this matter. If you have questions regarding the general requirements of the statute or the proposed regulations as discussed above, please direct them to the Division of Hospitals and Diagnostic & Treatment Centers at 518-402-1004.

Sincerely,



Ruth Leslie
Director
Division of Hospitals and Diagnostic &
Treatment Centers

Attachment

Public Health Law § 2803-y

§ 2805-y. Identification and assessment of human trafficking victims.

1. As used in this section:

(a) "human trafficking victim" shall have the meaning set forth in section four hundred eighty-three-aa of the social services law;

(b) "subject facility" shall mean a general hospital, public health center, diagnostic center, treatment center or outpatient department;

(c) "subject facility personnel" shall mean nursing, medical, social work and other clinical care personnel, and security personnel in the subject facility service units; and

(d) "subject facility service units" shall mean the service units of the subject facility that include the following areas: (i) emergency services; (ii) pediatrics; (iii) obstetrics and gynecology; (iv) orthopedics; (v) internal medicine; (vi) family medicine; (vii) radiology; (viii) surgery; (ix) psychiatry; and (x) dental services to the extent the subject facility maintains a dental clinic, center or department on site of the subject facility.

2. Every subject facility shall provide for the identification, assessment, and appropriate treatment or referral of persons suspected as human trafficking victims, and in the case of persons under eighteen years old, the reporting of such persons as an abused or maltreated child, if required under title six of article six of the social services law. The subject facility shall establish and implement written policies and procedures under this section which shall apply to all subject facility service units.

3. Every subject facility shall provide, on an ongoing basis, to all subject facility personnel training regarding the policies and procedures established under this section, including training in the recognition of indicators of a human trafficking victim and the responsibilities of such personnel in dealing with persons suspected as human trafficking victims. Such training may be incorporated as part of the subject facility's existing training programs, provided that the training includes all of the requirements of this section.

4. The commissioner may identify organizations or providers for consideration by subject facilities to provide training under this section. The commissioner may, in consultation with the office of temporary and disability assistance and the office of children and family services, make regulations under this section.