

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the education law and the public health law, in relation to requiring cultural awareness and competence training for all medical professionals; to amend the public health law, in relation to a public health education program; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The education law is amended by adding a new section 6505-d  
2     to read as follows:  
3     S 6505-D. COURSE WORK OR TRAINING IN CULTURAL AWARENESS AND COMPE-  
4     TENCE. 1. EVERY PHYSICIAN, PHYSICIAN ASSISTANT, DENTIST, REGISTERED  
5     NURSE, LICENSED PRACTICAL NURSE, PODIATRIST, OPTOMETRIST AND DENTAL  
6     HYGIENIST PRACTICING IN THE STATE SHALL, ON OR BEFORE JULY FIRST, TWO  
7     THOUSAND FIFTEEN AND EVERY TWO YEARS THEREAFTER, COMPLETE COURSE WORK OR  
8     TRAINING APPROPRIATE TO THE PROFESSIONAL'S PRACTICE APPROVED BY THE  
9     DEPARTMENT REGARDING CULTURAL AWARENESS AND COMPETENCE IN THE NON-DIS-  
10    CRIMINATORY PROVISION OF MEDICAL SERVICES, IN ACCORDANCE WITH REGULATORY  
11    STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSULTATION WITH THE  
12    DEPARTMENT OF HEALTH. THE DEPARTMENT SHALL ALSO CONSULT WITH ORGANIZA-  
13    TIONS REPRESENTATIVE OF PROFESSIONS, INSTITUTIONS AND THOSE WITH EXPER-  
14    TISE IN CULTURAL AWARENESS AND COMPETENCE WITH RESPECT TO THE REGULATORY  
15    STANDARDS PROMULGATED PURSUANT TO THIS SECTION.  
16    2. EACH SUCH PROFESSIONAL SHALL DOCUMENT TO THE DEPARTMENT AT THE TIME  
17    OF REGISTRATION COMMENCING WITH THE FIRST REGISTRATION AFTER JULY FIRST,  
18    TWO THOUSAND FIFTEEN THAT THE PROFESSIONAL HAS COMPLETED COURSE WORK OR  
19    TRAINING IN ACCORDANCE WITH THIS SECTION, PROVIDED, HOWEVER, THAT A  
20    PROFESSIONAL SUBJECT TO THE PROVISIONS OF PARAGRAPH (F) OF SUBDIVISION

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

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1 ONE OF SECTION TWENTY-EIGHT HUNDRED FIVE-K OF THE PUBLIC HEALTH LAW  
2 SHALL NOT BE REQUIRED TO SO DOCUMENT.

3 3. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO  
4 ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO (I) CLEARLY DEMONSTRATES  
5 TO THE DEPARTMENT'S SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR  
6 HER TO COMPLETE SUCH COURSE WORK OR TRAINING BECAUSE OF THE NATURE OF  
7 HIS OR HER PRACTICE OR (II) THAT HE OR SHE HAS COMPLETED COURSE WORK OR  
8 TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE COURSE WORK OR  
9 TRAINING APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

10 S 2. Paragraph (f) of subdivision 1 of section 2805-k of the public  
11 health law, as amended by chapter 477 of the laws of 2008, is amended to  
12 read as follows:

13 (f) Documentation that the physician, dentist or podiatrist has  
14 completed the course work or training as mandated by section two hundred  
15 thirty-nine of this chapter or section six thousand five hundred five-b  
16 of the education law OR SECTION SIX THOUSAND FIVE HUNDRED FIVE-D OF THE  
17 EDUCATION LAW. A hospital or facility shall not grant or renew profes-  
18 sional privileges or association to a physician, dentist, or podiatrist  
19 who has not completed such course work or training.

20 S 3. Section 206 of the public health law is amended by adding a new  
21 subdivision 29 to read as follows:

22 29. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO DEVELOP AND IMPL-  
23 MENT A STATEWIDE, COMMUNITY-BASED PUBLIC HEALTH EDUCATION PROGRAM TO  
24 REDUCE THE ROOT CAUSES OF DISPARITIES IN MINORITY HEALTH CARE. SUCH  
25 EDUCATION PROGRAM SHALL BE AIMED AT HEALTH CARE PROFESSIONALS, PATIENTS  
26 AND PATIENT ADVOCATES. THE COMMISSIONER AND THE DEPARTMENT MAY CONSULT  
27 WITH THE APPROPRIATE PROFESSIONALS IN DEVELOPING AND IMPLEMENTING SUCH A  
28 PROGRAM. THE COMMISSIONER SHALL ADMINISTER ANY STATE FUNDS APPROPRIATED  
29 FOR SUCH HEALTH EDUCATION PROGRAM.

30 S 4. The sum of one hundred thousand dollars (\$100,000), or so much  
31 thereof as may be necessary, is hereby appropriated to the department of  
32 health out of any moneys in the state treasury in the general fund to  
33 the credit of the state purposes account, not otherwise appropriated,  
34 and made immediately available, for such purpose of carrying out the  
35 provisions of section three of this act. Such moneys shall be payable on  
36 the audit and warrant of the comptroller on vouchers certified or  
37 approved by the commissioner of health, or his or her duly designated  
38 representative in the manner prescribed by law. No expenditure shall be  
39 made from this appropriation until a certificate of approval of avail-  
40 ability shall have been issued by the director of the budget and filed  
41 with the state comptroller and a copy filed with the chairman of the  
42 senate finance committee and the chairman of the assembly ways and means  
43 committee. Such certificate may be amended from time to time by the  
44 director of the budget and a copy of each such amendment shall be filed  
45 with the state comptroller, the chairman of the senate finance committee  
46 and the chairman of the assembly ways and means committee.

47 S 5. This act shall take effect immediately.