

STATE OF NEW YORK

6895

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. SEAWRIGHT -- read once and referred to the
Committee on People with Disabilities

AN ACT to amend the public health law and the insurance law, in relation
to a premium reduction for physicians, nurses and other staff who
complete a risk management strategies course relating to emergency
department visits for individuals with a developmental or intellectual
disability

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 2828 of the public health law, as added by chapter
2 689 of the laws of 2021, is renumbered section 2831 and a new section
3 2832 is added to read as follows:

4 § 2832. Individuals with disabilities training strategies. 1. In order
5 to improve patient safety and outcomes, minimize health inequity, build
6 the capacity of staff to understand the needs of individuals with intel-
7 lectual and developmental disabilities and to promote informed consulta-
8 tion by patients with their physicians, nurses and other staff during
9 visits to an emergency department in a general hospital, the commission-
10 er, in consultation with the office for people with developmental disa-
11 bilities, shall approve professional education courses for eligible
12 physicians, nurses and other staff as provided in subdivision four of
13 this section, that covers risk management strategies in emergency
14 department visits for individuals with a developmental or intellectual
15 disability as such term is defined in section 1.03 of the mental hygiene
16 law, as described in subdivision two of this section. Such risk manage-
17 ment strategies courses shall be subject to such standards as the
18 commissioner, in consultation with the office for people with develop-
19 mental disabilities, may prescribe by regulation. An eligible physician,
20 nurse or other staff who successfully completes such risk management
21 strategies course pursuant to this section shall receive continuing
22 medical education credit and a certificate of completion.

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

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1 2. Courses on risk management strategies during emergency visits by
2 those with a developmental or intellectual disability shall promote
3 evidence-based clinical guidelines and patient safety protocols, with an
4 emphasis on perspectives from those with a developmental or intellectual
5 disability. Options for courses should be appropriate for the respective
6 profession and may include information and education addressing risks
7 associated with emergency visits by individuals with a developmental or
8 intellectual disability. Course options shall be determined by the
9 commissioner in consultation with the office for people with develop-
10 mental disabilities.

11 3. Attendance at any course approved by the commissioner pursuant to
12 this section shall be in person.

13 4. Physicians who are board certified, nurses and other staff from an
14 emergency department in a general hospital, shall be eligible for a
15 disabilities risk management strategies course.

16 5. The commissioner, in consultation with the office for people with
17 developmental disabilities, shall be authorized to prescribe any rules
18 and regulations necessary to implement this section. In prescribing such
19 rules and regulations, the commissioner shall consider the rules and
20 regulations promulgated by the superintendent of financial services
21 pursuant to subsection (e) of section two thousand three hundred forty-
22 three of the insurance law and may consult with the superintendent of
23 financial services.

24 § 2. Subsection (e) of section 2343 of the insurance law, as added by
25 chapter 642 of the laws of 1990, is amended to read as follows:

26 (e) The superintendent may approve an appropriate premium reduction
27 for: (1) an insured physician who successfully completes a risk manage-
28 ment course; or (2) an insured physician, nurse or other staff from an
29 emergency department in a general hospital who successfully completes a
30 course authorized by the commissioner of health pursuant to section
31 twenty-eight hundred thirty-two of the public health law, which must be
32 approved by the superintendent subject to such standards as the super-
33 intendent may prescribe by regulation. In prescribing such regulation
34 the superintendent may consult with the commissioner of health.

35 § 3. This act shall take effect one year after it shall have become a
36 law and shall apply to all insurance policies and contracts issued,
37 renewed, modified or altered on and after such effective date. The
38 commissioner of health and the superintendent of financial services are
39 authorized to adopt, amend, suspend or repeal regulations and take other
40 actions necessary for the implementation of this act prior to such
41 effective date; provided, however, that such adoption, amendment,
42 suspension or repeal of regulations shall not have legal effect until
43 this act takes effect.