

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- 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 authorizing the state board for medicine and the commissioner of education to promulgate rules and regulations for physician training

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

- 1 Section 1. The legislature finds and declares that:
2 a. The findings of a federally-funded study by Georgetown University,
3 in conjunction with the Rand Corporation and the University of Pennsyl-
4 vania, which were published in the New England Journal of Medicine,
5 indicate that physicians are far less likely to refer blacks and women
6 than white men with identical complaints of chest pain to heart special-
7 ists for cardiac catheterization; and the authors of this study suggest
8 that the difference in referral rates stems from racial and sexual bias-
9 es;
10 b. These findings are the latest in a growing body of medical litera-
11 ture which documents race and gender-based disparities in the provision
12 of health care, especially in the treatment of cardiovascular disease;
13 however, according to the surgeon general of the United States, the
14 Georgetown University study represents the best attempt to date to docu-
15 ment the racial attitudes of physicians as a factor in the poorer health
16 of African Americans;
17 c. It is estimated that the minority population in the United States
18 will have increased by 60% between 2005 and the year 2010;
19 d. Cultural awareness and cultural competence are essential skills for
20 providing quality health care to a diverse patient population;
21 e. Only a small percentage of medical schools nationwide currently
22 provide some formal training in cultural competence;

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

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1 f. The Association of American Medical Colleges is working to help
2 medical schools improve the teaching of cultural competency; and

3 g. The public interest in providing quality health care to all
4 segments of society dictates the need for a formal requirement that
5 medical professionals be trained in the provision of culturally compe-
6 tent health care as a condition of licensure to practice medicine in the
7 state of New York.

8 S 2. Section 6523 of the education law, as amended by chapter 364 of
9 the laws of 1991, is amended to read as follows:

10 S 6523. State board for medicine. 1. A state board for medicine shall
11 be appointed by the board of regents on recommendation of the commis-
12 sioner for the purpose of assisting the board of regents and the depart-
13 ment on matters of professional licensing in accordance with section
14 sixty-five hundred eight of this title. The board shall be composed of
15 not less than twenty physicians licensed in this state for at least five
16 years, two of whom shall be doctors of osteopathy. The board shall also
17 consist of not less than two physician's assistants licensed to practice
18 in this state. The participation of physician's assistant members shall
19 be limited to matters relating to article one hundred thirty-one-B of
20 this [chapter] TITLE. An executive secretary to the board shall be
21 appointed by the board of regents on recommendation of the commissioner
22 and shall be either a physician licensed in this state or a non-physi-
23 cian, deemed qualified by the commissioner and board of regents.

24 2. THE STATE BOARD FOR MEDICINE SHALL PRESCRIBE THE FOLLOWING REQUIRE-
25 MENTS FOR PHYSICIAN TRAINING, BY REGULATION, IN CONSULTATION WITH THE
26 COMMISSIONER:

27 A. THE CURRICULUM IN EACH COLLEGE OF MEDICINE IN THIS STATE SHALL
28 INCLUDE ONE OR MORE CULTURAL COMPETENCY COURSES WHICH ARE DESIGNED TO
29 ADDRESS THE PROBLEM OF RACE AND GENDER-BASED DISPARITIES IN MEDICAL
30 TREATMENT DECISIONS AND ARE DEVELOPED IN CONSULTATION WITH THE ASSOCI-
31 ATION OF AMERICAN MEDICAL COLLEGES OR ANOTHER NATIONALLY RECOGNIZED
32 ORGANIZATION WHICH REVIEWS MEDICAL SCHOOL CURRICULA.

33 B. COMPLETION OF A CULTURAL COMPETENCY COURSE AS PROVIDED IN PARAGRAPH
34 A OF THIS SUBDIVISION SHALL BE REQUIRED AS A CONDITION OF RECEIVING A
35 DIPLOMA FROM A COLLEGE OF MEDICINE IN THIS STATE.

36 C. A COLLEGE OF MEDICINE WHICH INCLUDES A CULTURAL COMPETENCY COURSE
37 AS PROVIDED IN PARAGRAPH A OF THIS SUBDIVISION IN ITS CURRICULA SHALL
38 OFFER FOR CONTINUING EDUCATION CREDIT, CULTURAL COMPETENCY TRAINING
39 WHICH IS PROVIDED THROUGH ONE OR MORE COURSES, WORKSHOPS OR OTHER EDUCA-
40 TIONAL PROGRAMS SPONSORED BY THE COLLEGE AND WHICH MEETS CRITERIA ESTAB-
41 LISHED BY THE STATE BOARD FOR MEDICINE CONSISTENT WITH THOSE FOR COURSES
42 DEVELOPED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION.

43 D. A PERSON WHO RECEIVED A DIPLOMA FROM A COLLEGE OF MEDICINE IN THIS
44 STATE PRIOR TO THE EFFECTIVE DATE OF REGULATIONS ADOPTED BY THE STATE
45 BOARD FOR MEDICINE TO EFFECTUATE THE PURPOSES OF THIS SUBDIVISION SHALL
46 BE REQUIRED, AS A CONDITION OF INITIAL LICENSURE BY THE STATE BOARD FOR
47 MEDICINE TO DOCUMENT COMPLETION OF A MINIMUM OF SIXTEEN HOURS OF
48 CULTURAL COMPETENCY TRAINING WHICH IS OFFERED PURSUANT TO PARAGRAPH C OF
49 THIS SUBDIVISION TO THE SATISFACTION OF THE STATE BOARD FOR MEDICINE.

50 E. A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE SHALL BE
51 REQUIRED, AS A CONDITION OF RELICENSURE, TO DOCUMENT COMPLETION OF A
52 MINIMUM OF SIXTEEN HOURS OF CULTURAL COMPETENCY TRAINING WHICH IS
53 OFFERED PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION TO THE SATISFACTION
54 OF THE STATE BOARD FOR MEDICINE NO LATER THAN THREE YEARS AFTER THE
55 EFFECTIVE DATE OF THIS SUBDIVISION.

1 F. THE STATE BOARD FOR MEDICINE MAY WAIVE THE REQUIREMENTS OF PARA-
2 GRAPH D OR E OF THIS SUBDIVISION IF AN APPLICANT FOR LICENSURE OR RELI-
3 CENSURE, AS APPLICABLE, DEMONSTRATES TO THE SATISFACTION OF THE STATE
4 BOARD FOR MEDICINE THAT THE APPLICANT HAS ATTAINED THE SUBSTANTIAL
5 EQUIVALENT OF THIS REQUIREMENT THROUGH COMPLETION OF A SIMILAR COURSE IN
6 HIS OR HER POST-SECONDARY EDUCATION WHICH MEETS CRITERIA ESTABLISHED BY
7 REGULATION OF THE STATE BOARD FOR MEDICINE.

8 S 3. This act shall take effect on the ninetieth day after it shall
9 have become a law.