S T A T E O F N E W Y O R K

1328--B

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. SERRANO, HASSELL-THOMPSON, C. JOHNSON, KRUEGER, MONSERRATE, ONORATO, PERKINS, SAVINO, STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to requiring cultural awareness and competence training for medical professionals

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

Section 1. The education law is amended by adding a new section 6505-d to read as follows:

S 6505-D. COURSE WORK OR TRAINING IN CULTURAL AWARENESS AND COMPETENCE. 1. EVERY PHYSICIAN, PHYSICIAN ASSISTANT, DENTIST, REGISTERED NURSE, LICENSED PRACTICAL NURSE, PODIATRIST, OPTOMETRIST AND NURSE PRACTITIONER PRACTICING IN THE STATE WHO PROVIDES DIRECT MEDICAL SERVICES TO PATIENTS IN THIS STATE SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND ELEVEN AND EVERY REGISTRATION PERIOD THEREAFTER, COMPLETE COURSE WORK OR TRAINING REGARDING CULTURAL AWARENESS AND COMPETENCE IN THE PROVISION OF MEDICAL SERVICES IN ACCORDANCE WITH REGULATED STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH. SUCH CULTURAL AWARENESS AND COMPETENCE COURSE WORK OR TRAINING SHALL REQUIRE TWO HOURS OF COURSE WORK OR TRAINING ENCOMPASSING MINORITY HEALTHCARE ISSUES INCLUDING ETHNIC, RELIGIOUS, LINGUISTIC, SEXUAL ORIENTATION AND GENDER IDENTITY HEALTHCARE ISSUES AND THEIR IMPACT ON MINORITY HEALTHCARE. IN PROMULGATING REGULATORY STANDARDS PURSUANT TO THIS SECTION THE DEPARTMENT IS ADVISED TO CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF PROFESSIONS, INSTITUTIONS AND THOSE WITH EXPERTISE IN CULTURAL AWARENESS AND COMPETENCE.

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

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2. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION" SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT, PROGRAMS MUST BE TAKEN FROM SPONSORS HAVING THE FACILITIES, EQUIPMENT, AND FINANCIAL AND PHYSICAL RESOURCES TO PROVIDE CONTINUING EDUCATION COURSES, APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. CONTINUING EDUCATION MAY BE PROVIDED IN AN INTERNET-BASED COURSE FORMAT AS APPROVED BY THE DEPARTMENT.

3. EACH SUCH PROFESSIONAL SHALL ATTEST TO THE DEPARTMENT AT THE TIME OF REGISTRATION COMMENCING WITH THE FIRST REGISTRATION AFTER JULY FIRST, TWO THOUSAND ELEVEN THAT THE PROFESSIONAL HAS COMPLETED COURSE WORK OR TRAINING IN ACCORDANCE WITH THIS SECTION.

4. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO: (I) CLEARLY DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE; (II) HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE COURSE WORK OR TRAINING APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION; (III) HAS COMPLETED COURSE WORK OR TRAINING PERTAINING TO CULTURAL AWARENESS AND COMPETENCE WHICH HAS BEEN INCORPORATED AS PART OF A RISK MANAGEMENT COURSE OFFERED PURSUANT TO SUBDIVISION (E) OF SECTION TWO THOUSAND THREE HUNDRED FORTY-THREE OF THE INSURANCE LAW, PROVIDED THAT SUCH EDUCATIONAL CONTENT HAS BEEN APPROVED BY THE SUPERINTENDENT OF INSURANCE; OR (IV) IS A MEDICAL PROFESSIONAL WHO IS ON A TOUR OF EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES.

5. AT THE BEGINNING OF EACH REGISTRATION PERIOD, A MANDATORY CONTINUING EDUCATION FEE OF FIVE DOLLARS SHALL BE COLLECTED FROM ALL PERSONS REQUIRED TO COMPLETE THE COURSE WORK AND TRAINING REQUIRED BY THIS SECTION; PROVIDED THAT ANY PERSON OBTAINING AN EXEMPTION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION SHALL NOT BE REQUIRED TO PAY SUCH FIVE DOLLAR FEE. THIS FEE SHALL BE IN ADDITION TO ALL OTHER EXISTING REGISTRATION FEES.

6. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

ANY PERSON SUBJECT TO THE PROVISIONS OF THIS SECTION, WHO FALSELY ATTESTS TO HAVING COMPLETED THE REQUIRED COURSE WORK OR TRAINING SHALL BE SUBJECT TO PROFESSIONAL MISCONDUCT AS PROVIDED BY SUBDIVISION TWENTY-ONE OF SECTION SIXTY-FIVE HUNDRED THIRTY OF THIS TITLE AND SUBDIVISION NINE OF SECTION SIXTY-FIVE HUNDRED NINE OF THIS TITLE.

S 2. Paragraph (f) of subdivision 1 of section 2805-k of the public health law, as amended by chapter 477 of the laws of 2008, is amended and a new subdivision 5 is added to read as follows:

(f) Documentation that the physician, dentist or podiatrist has completed the course work or training as mandated by section two hundred thirty-nine of this chapter or section [six thousand five] SIXTY-FIVE hundred five-b of the education law OR SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE EDUCATION LAW. A hospital or facility shall not grant or renew professional privileges or association to a physician, dentist, or podiatrist who has not completed such course work or training. A HOSPITAL OR FACILITY SHALL NOT KNOWINGLY GRANT OR RENEW PROFESSIONAL PRIVILEGES OR ASSOCIATION TO ANYONE REQUIRED TO COMPLETE COURSE WORK OR TRAINING UNLESS SAID PERSON HAS ATTESTED TO HAVING TAKEN SUCH REQUIRED COURSE WORK OR TRAINING.

5. PRIOR TO HIRING OR OTHERWISE GRANTING PRIVILEGES TO A PHYSICIAN ASSISTANT, REGISTERED NURSE, LICENSED PRACTICAL NURSE OR OPTOMETRIST OR A HOSPITAL OR FACILITY APPROVED PURSUANT TO THIS ARTICLE SHALL REQUEST FROM SUCH PERSON DOCUMENTATION THAT HE OR SHE HAS COMPLETED THE COURSE WORK OR TRAINING AS MANDATED BY SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE EDUCATION LAW. A HOSPITAL OR FACILITY SHALL NOT HIRE OR OTHERWISE GRANT PRIVILEGES TO A PHYSICIAN ASSISTANT, REGISTERED NURSE, LICENSED PRACTICAL NURSE OR OPTOMETRIST WHO HAS NOT COMPLETED SUCH COURSE WORK OR TRAINING.

S 3. This act shall take effect immediately.