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

4387

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

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

AN ACT to amend the public health law and the education law, in relation to clinical education in pain management

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

Section 1. The public health law is amended by adding a new article 28-F to read as follows:

ARTICLE 28-F

PAIN MANAGEMENT

SECTION 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT.

2900-A. ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION.

S 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT. 1. EVERY PHYSICIAN, PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT PRACTICING IN THE STATE SHALL, EVERY FOUR YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN MANAGEMENT, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE DEPARTMENT IN CONSULTATION WITH THE EDUCATION DEPARTMENT; AND SO DOCUMENT COMPLETION TO THE DEPARTMENT.

2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT:

(A) 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, OR

(B) HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION, OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED

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

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TO: PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER SYMPTOMS; ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES ON END-OF-LIFE CARE; ACUPUNCTURE TREATMENT; AND CLINICAL COMMUNICATION SKILLS. THE DEPARTMENT SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE PRACTITIONERS, INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT, INCLUDING EXPERTISE IN THE ACUPUNCTURE FIELD, WITH RESPECT TO THE STANDARDS PROMULGATED UNDER THIS SECTION.

S 2900-A. ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION. THE COMMISSIONER, IN DEVELOPING, REVIEWING AND IMPLEMENTING THE EDUCATIONAL STANDARDS UNDER SECTION TWENTY-NINE HUNDRED OF THIS ARTICLE, AND THE COMMISSIONER OF EDUCATION, IN DEVELOPING, REVIEWING AND IMPLEMENTING EDUCATIONAL STANDARDS UNDER SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE EDUCATION LAW, SHALL CONSULT THE ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION CREATED BY THIS SECTION. THE ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION SHALL BE COMPRISED OF TWELVE MEMBERS APPOINTED AS FOLLOWS: SIX BY THE COMMISSIONER; AND SIX BY THE COMMISSIONER OF EDUCATION. THE COMMITTEE SHALL BE REPRESENTATIVE OF HEALTH CARE PRACTITIONERS AND THEIR PROFESSIONAL ORGANIZATIONS, PAIN MANAGEMENT SPECIALISTS, INCLUDING THOSE IN THE ACUPUNCTURE FIELD, AND HEALTH CARE PRACTITIONER EDUCATION EXPERTS.

S 2. The education law is amended by adding a new section 6505-d to read as follows:

S 6505-D. CLINICAL EDUCATION IN PAIN MANAGEMENT. 1. EVERY HEALTH CARE PRACTITIONER LICENSED OR CERTIFIED PURSUANT TO THIS TITLE, WHO IS AUTHORIZED TO ORDER, PRESCRIBE, ADMINISTER OR DISPENSE PAIN-RELIEVING MEDICATIONS OR OTHER TREATMENT FOR THE RELIEF OF PAIN IN THIS STATE (OTHER THAN A PHYSICIAN, PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT) SHALL, EVERY FOUR YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN MANAGEMENT, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF HEALTH; AND SO DOCUMENT TO THE DEPARTMENT.

2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION TO ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT:

(A) 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, OR

(B) THAT HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION, OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED TO: ACUPUNCTURE; PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER SYMPTOMS; ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES ON END-OF-LIFE CARE; AND CLINICAL COMMUNICATION SKILLS. THE DEPARTMENT OF HEALTH SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE PRACTITIONERS; INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT WITH RESPECT TO THE STANDARDS PROMULGATED UNDER THIS SECTION.

S 3. This act shall take effect immediately.