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

7779

I N S E N A T E

May 10, 2010

Introduced by Sen. ESPADA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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; to amend the insurance law, in relation to requiring health maintenance organizations to provide funding for such cultural awareness and competence training; and making an appropriation therefor

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 DENTAL HYGIENIST PRACTICING IN THE STATE SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND TEN AND EVERY TWO YEARS THEREAFTER, COMPLETE COURSE WORK OR TRAINING APPROPRIATE TO THE PROFESSIONAL'S PRACTICE APPROVED BY THE DEPARTMENT REGARDING CULTURAL AWARENESS AND COMPETENCE IN THE NON-DISCRIMINATORY PROVISION OF MEDICAL SERVICES, IN ACCORDANCE WITH REGULATORY STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH. THE DEPARTMENT SHALL ALSO CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF PROFESSIONS, INSTITUTIONS AND THOSE WITH EXPERTISE IN CULTURAL AWARENESS AND COMPETENCE WITH RESPECT TO THE REGULATORY STANDARDS PROMULGATED PURSUANT TO THIS SECTION.

2. EACH SUCH PROFESSIONAL SHALL DOCUMENT TO THE DEPARTMENT AT THE TIME OF REGISTRATION COMMENCING WITH THE FIRST REGISTRATION AFTER JULY FIRST, TWO THOUSAND TEN THAT THE PROFESSIONAL HAS COMPLETED COURSE WORK OR TRAINING IN ACCORDANCE WITH THIS SECTION, PROVIDED, HOWEVER, THAT A PROFESSIONAL SUBJECT TO THE PROVISIONS OF PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED FIVE-K OF THE PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO SO DOCUMENT.

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

LBD04830-04-0

3. 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 OR (II) THAT HE OR SHE 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.

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 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 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.

S 3. Section 206 of the public health law is amended by adding a new subdivision 27 to read as follows:

27. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO DEVELOP AND IMPLEMENT A STATEWIDE, COMMUNITY-BASED PUBLIC HEALTH EDUCATION PROGRAM TO REDUCE THE ROOT CAUSES OF DISPARITIES IN MINORITY HEALTH CARE. SUCH EDUCATION PROGRAM SHALL BE AIMED AT HEALTH CARE PROFESSIONALS, PATIENTS AND PATIENT ADVOCATES. THE COMMISSIONER AND THE DEPARTMENT MAY CONSULT WITH THE APPROPRIATE PROFESSIONALS IN DEVELOPING AND IMPLEMENTING SUCH A PROGRAM. THE COMMISSIONER SHALL ADMINISTER ANY FUNDS APPROPRIATED OR OTHERWISE PROVIDED BY LAW FOR SUCH HEALTH EDUCATION PROGRAM.

S 4. Paragraph 3 of subsection (d) of section 4310 of the insurance law, as amended by chapter 266 of the laws of 1986, is amended and a new paragraph 4 is added to read as follows:

(3) every such corporation shall, after the first full calendar year of doing business, accumulate and maintain a statutory reserve fund which shall from time to time during each calendar year be increased in an amount equal to at least five per centum of the net premium income of such corporation during such whole calendar year until such reserve shall be at least equal to fifty thousand dollars and thereafter such reserve shall be accumulated and maintained in the manner prescribed[.];

(4) EACH CORPORATION'S STATUTORY RESERVE FUND SHALL BE INCREASED AT THE END OF THE CALENDAR YEAR TO THE EXTENT DEEMED NECESSARY BY THE SUPERINTENDENT, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, TO PROVIDE CAPITAL NECESSARY TO ESTABLISH AND MAINTAIN THE HEALTH CARE PROVIDER TRAINING IN CULTURAL AWARENESS AND COMPETENCE, AS PROVIDED BY SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW AND SIX THOUSAND FIVE HUNDRED FIVE-D OF THE EDUCATION LAW.

S 5. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated to the department of health out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for such purpose of carrying out the provisions of section three of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of health, or his or her duly designated representative in the manner prescribed by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairman of the

senate finance committee and the chairman of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

S 6. This act shall take effect immediately.