

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

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

AN ACT to amend the education law, in relation to imposing certain education requirements upon physicians as a condition for renewal of their professional license; to amend the public health law, in relation to directing the commissioner of health to develop and offer a course in medical risk management as part of such requirement; and making an appropriation therefor

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

1 Section 1. Section 6524 of the education law is amended by adding a  
2 new subdivision 2-a to read as follows:  
3 (2-A) RISK MANAGEMENT AND CONTINUING EDUCATION: (A) ON AND AFTER  
4 NOVEMBER FIRST, TWO THOUSAND NINE, EVERY RENEWAL OF A PHYSICIAN'S  
5 LICENSE SHALL BE CONDITIONED UPON THE LICENSEE OBTAINING AND SUBMITTING  
6 TO THE BOARD PROOF THAT, WITHIN THE THREE YEAR PERIOD IMMEDIATELY  
7 PRECEDING SUCH RENEWAL PERIOD, HE OR SHE HAS ATTENDED AND SUCCESSFULLY  
8 COMPLETED A COURSE OR COURSES OF CONTINUING EDUCATION IN PROFESSIONAL  
9 MEDICAL COMPETENCY APPROVED BY THE BOARD AS TO METHOD, CONTENT AND  
10 SUPERVISION. SUCH COURSE OR COURSES SHALL CONSIST OF AT LEAST SIXTY  
11 HOURS OF CLASSROOM INSTRUCTION, FIVE HOURS OF WHICH SHALL BE DEDICATED  
12 TO MEDICAL RISK MANAGEMENT AS DEVELOPED BY THE DEPARTMENT OF HEALTH  
13 PURSUANT TO SUBDIVISION TWENTY-SIX OF SECTION TWO HUNDRED SIX OF THE  
14 PUBLIC HEALTH LAW. IN ESTABLISHING THE REQUIREMENTS FOR THE CONTINUING  
15 EDUCATION COURSE OR COURSES, OTHER THAN FOR MEDICAL RISK MANAGEMENT, THE  
16 BOARD SHALL CONSIDER AND MAY PERMIT EQUIVALENT NATIONAL OR STATE EDUCA-  
17 TIONAL COURSES OF INSTRUCTION INCLUDING BUT NOT LIMITED TO THOSE OFFERED  
18 BY A MEDICAL SOCIETY, MEDICAL SPECIALTY BOARD OR THE DEPARTMENT OF  
19 HEALTH. EACH COURSE SHALL, HOWEVER, BE PRESENTED IN AN APPROPRIATE  
20 CLASSROOM SETTING, HAVE AN ESTABLISHED CURRICULUM AND PROPERLY PREPARED  
21 WRITTEN MATERIALS OF THE SUBJECT MATTER WHICH SHALL BE DISTRIBUTED AS

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

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1 PART OF THE COURSE AND BE TAUGHT BY A QUALIFIED FACULTY. CREDIT SHALL BE  
2 AWARDED ON THE BASIS OF ONE HOUR FOR EACH SIXTY MINUTES OF ACTUAL  
3 ATTENDANCE AND RECORDS SHALL BE MAINTAINED OF ATTENDANCE AT EACH SESSION  
4 WHICH SHALL BE TRANSMITTED TO THE BOARD AT THE CONCLUSION OF THE COURSE;

5 (B) ON AND AFTER NOVEMBER FIRST, TWO THOUSAND NINE NO PHYSICIAN SHALL  
6 BE INITIALLY LICENSED UNLESS HE OR SHE HAS SUCCESSFULLY COMPLETED A  
7 COURSE IN MEDICAL RISK MANAGEMENT, EITHER AS PART OF HIS OR HER MEDICAL  
8 SCHOOL EDUCATION OR AS DEVELOPED BY THE DEPARTMENT OF HEALTH PURSUANT TO  
9 SUBDIVISION TWENTY-SIX OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH  
10 LAW;

11 S 2. Section 206 of the public health law is amended by adding a new  
12 subdivision 26 to read as follows:

13 26. THE COMMISSIONER, WITH THE COOPERATION OF THE STATE BOARD FOR  
14 MEDICINE SHALL DEVELOP A COURSE OF INSTRUCTION IN MEDICAL RISK MANAGE-  
15 MENT TO BE PROVIDED TO STUDENTS IN MEDICAL SCHOOL AND TO PHYSICIANS AS  
16 PART OF LICENSING REQUIREMENTS PURSUANT TO SUBDIVISION TWO-A OF SECTION  
17 SIXTY-FIVE HUNDRED TWENTY-FOUR OF THE EDUCATION LAW.

18 S 3. The sum of one hundred thousand dollars (\$100,000), or so much  
19 thereof as may be necessary, is hereby appropriated to the department of  
20 health from any moneys in the state treasury in the general fund to the  
21 credit of the state purposes account not otherwise appropriated for  
22 services and expenses of the department of health for the purposes of  
23 carrying out the provisions of this act. Such sum shall be payable on  
24 the audit and warrant of the state comptroller on vouchers certified or  
25 approved by the commissioner of health, or his or her duly designated  
26 representative in the manner provided by law. No expenditure shall be  
27 made from this appropriation until a certificate of approval of avail-  
28 ability shall have been issued by the director of the budget and filed  
29 with the state comptroller and a copy filed with the chairperson of the  
30 senate finance committee and the chairperson of the assembly ways and  
31 means committee. Such certificate may be amended from time to time by  
32 the director of the budget and a copy of each such amendment shall be  
33 filed with the state comptroller, the chairperson of the senate finance  
34 committee and the chairperson of the assembly ways and means committee.

35 S 4. This act shall take effect immediately.