

5320

2009-2010 Regular Sessions

I N A S S E M B L Y

February 12, 2009

Introduced by M. of A. MAISEL, DINOWITZ, BROOK-KRASNY, PHEFFER, MILLMAN, ALFANO, CARROZZA, DESTITO, SPANO, KELLNER, ROSENTHAL, ALESSI, GOTTFRIED, JAFFEE, LANCMAN -- Multi-Sponsored by -- M. of A. ABBATE, BARRA, BING, BOYLAND, CONTE, CUSICK, GUNTHER, HYER-SPENCER, JACOBS, V. LOPEZ, MARKEY, MAYERSOHN, MCENENY, J. MILLER, REILLY, SWEENEY, TITONE, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to lymphedema

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

1 Section 1. Section 2400 of the public health law is amended to read as
2 follows:
3 S 2400. Cancer; powers and duties of commissioner. The commissioner
4 shall conduct investigations of the cause, mortality, methods of treat-
5 ment, prevention and cure of cancer, and allied diseases, including, BUT
6 NOT LIMITED TO, LYMPHEDEMA RELATED TO THE TREATMENT OF CANCER, AS WELL
7 AS the nature and extent of the facilities available in the several
8 counties and cities of the state, for the diagnosis and treatment of
9 these diseases, and shall cooperate with local health authorities,
10 physicians, hospitals, clinics and voluntary associations, in the devel-
11 opment of suitable facilities for the diagnosis, treatment and control
12 of cancer.
13 S 2. Subdivisions 1 and 3 of section 2401 of the public health law,
14 subdivision 1 as amended by chapter 638 of the laws of 2008, subdivision
15 3 as amended by chapter 642 of the laws of 1997, are amended to read as
16 follows:
17 1. Every physician, dentist and other health care provider shall give
18 notice immediately but not later than one hundred eighty days of every
19 case of cancer [or], other malignant disease OR LYMPHEDEMA RELATED TO
20 THE TREATMENT OF CANCER, coming under his or her care, to the depart-
21 ment, except as otherwise provided. The department shall make a

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

1 concerted effort to collect the following information for each reported
2 case of cancer. The information reported to the department shall include
3 but not be limited to genetic history, occupational history, age, resi-
4 dence history, and other relevant information as the commissioner shall
5 determine but at a minimum shall collect and aggregate all information
6 and data being collected by the department for other purposes. The
7 department, in consultation with the health research science board,
8 shall develop procedures to assure correct counting of such cases of
9 cancer or other malignant disease, to eliminate possible multiple count-
10 ing as might occur if all physicians, dentists and other health care
11 providers engaged in an individual patient's diagnosis are required to
12 report.

13 3. The person in charge of every cancer reporting facility shall imme-
14 diately but not later than one hundred eighty days give notice of every
15 case of cancer [or], malignant disease, OR LYMPHEDEMA RELATED TO THE
16 TREATMENT OF CANCER, coming under the care of the institution to the
17 department.

18 S 3. Section 2404 of the public health law is amended by adding a new
19 subdivision 1-b to read as follows:

20 1-B. TO AID A PERSON IN DECIDING A COURSE OF TREATMENT, THE INFORMA-
21 TIONAL SUMMARY SHALL ALSO INCLUDE INFORMATION ON POST TREATMENT RISKS,
22 POTENTIAL SIDE-EFFECTS, AND OTHER PERTINENT INFORMATION ASSOCIATED WITH
23 EACH TREATMENT OPTION, INCLUDING, BUT NOT LIMITED TO, INFORMATION ON
24 POST-TREATMENT CONDITIONS SUCH AS LYMPHEDEMA AND ITS ASSOCIATED SYMP-
25 TOMS, COMPLICATIONS AND CURRENT AS WELL AS NEW AND EMERGING AND ALTERNA-
26 TIVE TREATMENT OPTIONS FOR LYMPHEDEMA.

27 S 4. Paragraph (c) of subdivision 1 of section 2404-a of the public
28 health law, as added by chapter 141 of the laws of 1997, is amended to
29 read as follows:

30 (c) the alternative medically viable methods of treating prostate
31 cancer, including but not limited to hormonal, radiological, chemothera-
32 peutic or surgical treatments, or combinations thereof. The summary
33 shall contain information on prostate post-treatment risks, INCLUDING
34 BUT NOT LIMITED TO, INFORMATION ON CONDITIONS SUCH AS LYMPHEDEMA AND ITS
35 ASSOCIATED SYMPTOMS, COMPLICATIONS AND CURRENT AS WELL AS NEW AND EMERG-
36 ING AND ALTERNATIVE TREATMENT OPTIONS FOR LYMPHEDEMA, and other perti-
37 nent information to aid a person in deciding a course of treatment. The
38 summary shall be updated as is necessary.

39 S 5. Subdivision 1 of section 2581 of the public health law, as
40 amended by chapter 654 of the laws of 1986, is amended to read as
41 follows:

42 1. "Children with physical disabilities" means any persons under twen-
43 ty-one years of age who are disabled by reason of a defect or disabili-
44 ty, whether congenital or acquired by accident, injury, or disease, or
45 who are suffering from long-term disease, including, but without limit-
46 ing the generality of the foregoing, chronic granulomatous, cystic
47 fibrosis, epidermolysis bullosa, muscular dystrophy, nephrosis, rheumat-
48 ic fever and rheumatic heart disease, blood dyscrasies, cancer, LYMPHAT-
49 IC DISEASES, INCLUDING, BUT NOT LIMITED TO: INSUFFICIENCY OF LYMPHATIC
50 CIRCULATORY FUNCTION (TO INCLUDE ALL FORMS OF LYMPHEDEMA, BOTH PRIMARY
51 AND SECONDARY); LIPEDEMA; COMPLEX VASCULAR DISEASES OF THE LYMPHATIC
52 VASCULATURE, INCLUDING LYMPHANGIOMATOSIS, LYMPHANGIOLEIO-MYOMATOSIS,
53 LYMPHANGIECTASIAS, LYMPHANGIOMAS, CYSTIC HYGROMAS, GORHAM'S DISEASE,
54 LYMPHANGIOSARCOMA, AND COMPLEX VASCULAR/LYMPHATIC MALFORMATIONS AND
55 SYNDROMES, brain injured, and chronic asthma, or from any disease or
56 condition likely to result in a disability in the absence of treatment,

1 provided, however, no child shall be deprived of a service under the
2 provisions of this chapter solely because of the degree of mental retar-
3 dation.

4 S 6. Paragraph (c) of subdivision 1 of section 207 of the public
5 health law, as amended by chapter 471 of the laws of 2007, is amended to
6 read as follows:

7 (c) Lymphedema AND LYMPHATIC DISEASE, an abnormal swelling of the
8 extremities including the causes [and], symptoms AND NATURE of PRIMARY
9 AND SECONDARY lymphedema AND LYMPHATIC DISEASE, PREVENTION, EARLY DIAG-
10 NOSIS, CURRENT AND NEW AND EMERGING OPTIONS FOR TREATMENT AND THERAPY,
11 RESEARCH, MEDICAL INSURANCE, LONG-TERM CHRONIC CARE ISSUES, AND CONTACT
12 AND VOLUNTARY ENROLLMENT INFORMATION FOR THE NATIONAL PATIENT REGISTRY
13 TISSUE/CELL BANK FOR LYMPHATIC DISEASES, the value of early detection,
14 possible options for treatment including their benefits and risks, and
15 other relevant information and the recommendation that hospitals treat-
16 ing breast cancer patients implement a lymphedema alert program by plac-
17 ing a bright pink wristband on the patient's affected arm.

18 S 7. This act shall take effect immediately, provided that sections
19 one through five of this act shall take effect on the first of April
20 next succeeding the date on which they shall become law; and provided
21 further that effective immediately, the addition, amendment and/or
22 repeal of any rule or regulation necessary for the implementation of
23 this act on its effective date are authorized and directed to be made
24 and completed on or before such effective date.