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

5778

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to reporting on the incidence of asthma

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 24-F to read as follows:

ARTICLE 24-F
ASTHMA REPORTING

SECTION 2499-B. ASTHMA; DUTY TO REPORT.
2499-C. REPORTING.
2499-D. ASTHMA; REPORTS CONFIDENTIAL.

S 2499-B. ASTHMA; DUTY TO REPORT. 1. EVERY PHYSICIAN SHALL GIVE NOTICE OF IMMEDIATELY, BUT NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER, EVERY CASE OF ASTHMA COMING UNDER HIS OR HER CARE, TO THE DEPARTMENT, EXCEPT AS OTHERWISE PROVIDED.

2. THE PERSON IN CHARGE OF EVERY ASTHMA REPORTING FACILITY SHALL IMMEDIATELY, BUT NOT LATER THAN ONE HUNDRED EIGHTY DAYS THEREAFTER, GIVE NOTICE OF EVERY CASE OF ASTHMA COMING UNDER THE CARE OF SUCH FACILITY TO THE DEPARTMENT.

3. ALL ABSTRACTING WORK PERFORMED BY AN ASTHMA REPORTING FACILITY PURSUANT TO THE REPORTING PROVISIONS OF THIS SECTION SHALL BE PERFORMED BY A CERTIFIED ASTHMA REGISTRAR. ASTHMA REPORTING FACILITIES MAY ESTABLISH CONSORTIA TO ENGAGE A CERTIFIED ASTHMA REGISTRAR TO PERFORM THE REPORTING REQUIREMENTS OF THIS SECTION. A "CERTIFIED ASTHMA REGISTRAR" IS AN INDIVIDUAL CERTIFIED BY A NATIONALLY RECOGNIZED NOT-FOR-PROFIT ORGANIZATION WHICH CERTIFIES ASTHMA REGISTRARS. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY ASTHMA REPORTING FACILITY WHICH RENDERS SERVICES FOR ONE HUNDRED OR FEWER CASES OF ASTHMA PER YEAR AS DETERMINED BY THE COMMISSIONER.

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

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4. THE DEPARTMENT SHALL ESTABLISH AND UPDATE AS NECESSARY A MANUAL DESIGNATING WHICH SPECIFIC DATA ELEMENTS SHALL BE REPORTED TO THE DEPARTMENT PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL MAKE SUCH MANUAL AVAILABLE TO EVERY ASTHMA REPORTING FACILITY AND PHYSICIAN REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

5. THE DEPARTMENT SHALL ESTABLISH AND UPDATE AS NECESSARY A DATA DICTIONARY TO STANDARDIZE INFORMATION INTERPRETATION OF DATA ELEMENTS REPORTED BY ASTHMA REPORTING FACILITIES AND OTHER HEALTH CARE PROVIDERS. THE DEPARTMENT SHALL MAKE SUCH DICTIONARY AVAILABLE TO EVERY ASTHMA REPORTING FACILITY AND PHYSICIAN REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

6. THE DEPARTMENT SHALL, TO THE EXTENT FUNDS ARE MADE AVAILABLE, ESTABLISH OR CONTRACT FOR REGIONAL TRAINING PROGRAMS TO PROVIDE TRAINING TO ANY ASTHMA REPORTING FACILITY OR PHYSICIAN REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION. SUCH REGIONAL TRAINING PROGRAMS SHALL PROVIDE TRAINING RELATING TO THE SPECIFIC DATA ELEMENTS WHICH MUST BE REPORTED PURSUANT TO THIS SECTION, THE DATA DICTIONARY ESTABLISHED PURSUANT TO THIS SECTION, AND ANY OTHER SUBJECTS WHICH ARE INTENDED TO ENSURE QUALITY, TIMELY, AND COMPLETE COMPLIANCE WITH THIS SECTION.

7. THE DEPARTMENT SHALL MEET ASTHMA REGISTRY GOALS ESTABLISHED BY A NATIONALLY RECOGNIZED CENTRAL ASTHMA REGISTRY ORGANIZATION, UNLESS ANY SUCH GOAL IS CONTRARY TO ANY PROVISION OF LAW.

8. WHERE AN ASTHMA REPORTING FACILITY FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION, THE DEPARTMENT MAY ELECT TO PERFORM REGISTRY SERVICES FOR SUCH FACILITY. SUCH ASTHMA REPORTING FACILITY SHALL REIMBURSE THE DEPARTMENT FOR ACTUAL EXPENSES INCURRED.

9. A PHYSICIAN OR ASTHMA REPORTING FACILITY WHICH VIOLATES ANY PROVISION OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY PURSUANT TO SECTION TWELVE OF THIS CHAPTER.

10. THE NOTICES REQUIRED BY THIS SECTION SHALL BE UPON FORMS SUPPLIED BY THE COMMISSIONER AND SHALL CONTAIN SUCH INFORMATION AS SHALL BE REQUIRED BY THE COMMISSIONER.

11. FOR THE PURPOSES OF THIS SECTION, AN "ASTHMA REPORTING FACILITY" MEANS A HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF THIS CHAPTER, CLINIC, ANY ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THIS CHAPTER, OR OTHER SIMILAR PUBLIC OR PRIVATE INSTITUTION.

12. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY AND PROPER TO EFFECTUATE THE PURPOSES OF THIS SECTION.

S 2499-C. REPORTING. 1. THE COMMISSIONER SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY. THE REPORT SHALL INCLUDE AN EVALUATION OF THE ASTHMA REGISTRY AS IT RELATES TO TIMELINESS, QUALITY, AND COMPLETENESS; AN EVALUATION OF THE UTILITY OF THE REGISTRY FOR SCIENTIFIC RESEARCH; AN EVALUATION OF THE ACCESS, TIMELINESS, AND QUALITY OF REPORTING INFORMATION TO RESEARCHERS AND OTHER SIMILAR INDIVIDUALS; AN EVALUATION OF THE REGISTRY'S DATA ELEMENTS, INCLUDING TREATMENT, STAGE OF DISEASE, OCCUPATION, AND RESIDENCE; AN EVALUATION OF THE FEASIBILITY AND UTILITY OF INCLUSION OF OCCUPATIONAL HISTORY AND RESIDENCE HISTORY; AND AN EVALUATION OF INTEGRATING THE REGISTRY WITH OTHER DATA BASES MAINTAINED BY STATE AGENCIES AND DEPARTMENTS, INCLUDING THE STATEWIDE PLANNING AND RESEARCH COOPERATIVE SYSTEM.

2. THE COMMISSIONER SHALL SUBMIT A QUARTERLY REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY. THE QUARTERLY REPORT SHALL INCLUDE AN EVALUATION OF WHETHER THE REGISTRY IS ACHIEVING ASTHMA REGISTRY GOALS ESTABLISHED BY A NATIONALLY RECOG-

NIZED ASTHMA REGISTRY ORGANIZATION, INCLUDING NUMERICAL GOALS CONCERNING TIMELINESS, QUALITY, AND COMPLETENESS.

S 2499-D. ASTHMA; REPORTS CONFIDENTIAL. THE REPORTS OF ASTHMA CASES MADE PURSUANT TO THE PROVISIONS OF THIS ARTICLE SHALL NOT BE DIVULGED OR MADE PUBLIC BY ANY PERSON SO AS TO DISCLOSE THE IDENTITY OF ANY PERSON TO WHOM THEY RELATE, EXCEPT IN SO FAR AS MAY BE AUTHORIZED IN THE SANITARY CODE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the commissioner of health is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.