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

5978

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. TOWNS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the unauthorized administration of an ultrasound

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

Section 1. Section 6509 of the education law is amended by adding a new subdivision 8-a to read as follows:

(8-A) ISSUING AN ORDER OR A REFERRAL FOR ADMINISTRATION OF AN ULTRASOUND IN VIOLATION OF SECTION SIXTY-FIVE HUNDRED TWELVE-A OF THIS ARTICLE.

S 2. The education law is amended by adding a new section 6512-a to read as follows:

S 6512-A. UNAUTHORIZED ADMINISTRATION OF AN ULTRASOUND. 1. ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDICINE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS TITLE, OR REGISTERED TO PERFORM MEDICAL SERVICES PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THIS TITLE, OR CERTIFIED TO PRACTICE AS A NURSE PRACTITIONER PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE, OR LICENSED TO PRACTICE AS A MIDWIFE PURSUANT TO ARTICLE ONE HUNDRED FORTY OF THIS TITLE MAY ISSUE AN ORDER OR A REFERRAL FOR THE ADMINISTRATION OF AN ULTRASOUND UPON A PREGNANT WOMAN, SUBJECT, HOWEVER, TO ANY REQUIREMENT IN ANY SUCH ARTICLE IN RESPECT TO THE SUPERVISION BY, OR CONSULTATION OR COLLABORATION WITH A PHYSICIAN.

2. NO ORDER OR REFERRAL FOR THE ADMINISTRATION OF AN ULTRASOUND SUBJECT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE ISSUED FOR ENTERTAINMENT PURPOSES OR FOR ANY OTHER PURPOSE WHICH IS NOT WARRANTED BY THE CONDITION OF THE PATIENT.

3. ANY PERSON, EXCEPT A PERSON AUTHORIZED TO ISSUE AN ORDER OR A REFERRAL PURSUANT TO SUBDIVISION ONE OF THIS SECTION, WHO ADMINISTERS AN

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

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ULTRASOUND UPON A PREGNANT WOMAN WITHOUT SUCH AN ORDER OR REFERRAL SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 3. Subdivision 1 of section 6514 of the education law, as amended by chapter 606 of the laws of 1991, is amended to read as follows:

1. All alleged violations of [sections] SECTION sixty-five hundred twelve, SIXTY-FIVE HUNDRED TWELVE-A or sixty-five hundred thirteen of this article shall be reported to the department which shall cause an investigation to be instituted. All alleged violations of section sixty-five hundred thirty-one of [the education law] THIS TITLE shall be reported to the department of health which shall cause an investigation to be instituted. If the investigation substantiates that violations exist, such violations shall be reported to the attorney general with a request for prosecution.

S 4. Subdivision 1 of section 6516 of the education law, as added by chapter 615 of the laws of 2003, is amended to read as follows:

1. Issuance of cease and desist order. Whenever the department has reasonable cause to believe that any person has violated any provision of section sixty-five hundred twelve, SIXTY-FIVE HUNDRED TWELVE-A or sixty-five hundred thirteen of this article, the department may issue and serve upon such person a notice to cease and desist from such violation. Such cease and desist order shall be served personally by the department. If personal service can not be made after due diligence and such fact is certified under oath, a copy of the order shall be made by certified mail, return receipt requested, to the person's last known address by the department.

S 5. Section 6530 of the education law is amended by adding a new subdivision 35-a to read as follows:

35-A. ISSUING AN ORDER OR A REFERRAL FOR THE ADMINISTRATION OF AN ULTRASOUND IN VIOLATION OF SECTION SIXTY-FIVE HUNDRED TWELVE-A OF THIS TITLE.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.