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

8301--C

R. R. 435

2009-2010 Regular Sessions

I N A S S E M B L Y

May 13, 2009

Introduced by M. of A. LUPARDO, McDONOUGH, GOTTFRIED -- Multi-Sponsored by -- M. of A. JOHN, REILLY, SAYWARD, TOWNSEND -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the education law, in relation to accessing the professional assistance program for impaired professionals in the professions of dentistry and pharmacy

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

Section 1. Section 6510-b of the education law is amended by adding a new subdivision 8 to read as follows:

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSE AND REGISTRATION OF A LICENSED DENTIST OR PHARMACIST WHO MAY BE TEMPORARILY INCAPACITATED FOR THE ACTIVE PRACTICE OF THEIR PROFESSION LICENSED PURSUANT TO ARTICLES ONE HUNDRED THIRTY-THREE AND ONE HUNDRED THIRTY-SEVEN OF THIS TITLE AND WHOSE ALLEGED INCAPACITY IS THE RESULT OF A PROBLEM OF DRUG OR ALCOHOL ABUSE WHICH HAS NOT RESULTED IN HARM TO A PATIENT OR CLIENT, MAY BE VOLUNTARILY SURRENDERED TO, OR VOLUNTARILY OFFERED FOR ANY ALTERNATIVE DISPOSITION WITH THE DEPARTMENT, WHICH MAY ACCEPT AND HOLD SUCH LICENSE OR MAKE ANY OTHER DISPOSITION REGARDING SUCH LICENSE DEEMED APPROPRIATE UNDER THE CIRCUMSTANCES, IF THE DEPARTMENT DETERMINES THE HEALTH AND SAFETY OF THE PUBLIC WILL BE ADEQUATELY PROTECTED THEREBY, DURING THE PERIOD OF SUCH ALLEGED INCAPACITY. THE DEPARTMENT MAY ACCEPT THE SURRENDER OF SUCH LICENSE AFTER AGREEMENT TO CONDITIONS TO BE MET PRIOR TO THE RESTORATION OF THE LICENSE OR THE DEPARTMENT MAY TREAT

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

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THE LICENSE AS NOT SURRENDERED AND MAY IMPOSE CONDITIONS TO ALLOW THE LICENSEE TO RETAIN THE LICENSE. ALL OTHER PROVISIONS OF THIS SECTION SHALL BE APPLIED TO THE PROFESSIONS OF DENTISTRY AND PHARMACY IN CONFORMITY WITH THIS SUBDIVISION.

S 2. This act shall take effect immediately.