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

879

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GOTTFRIED, ORTIZ -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, CYMBROWITZ, DINOWITZ, GALEF, HIKIND, HOOPER, JACOBS, JOHN, MAYERSOHN, McENENY, PAULIN, PHEFFER, J. RIVERA, P. RIVERA, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing the commissioner of health to develop and administer training programs for coroners, coroners' physicians and medical examiners

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 section 4223 to read as follows:

S 4223. CORONER, CORONER'S PHYSICIAN, MEDICAL EXAMINER; REGULATIONS. 1. THE COMMISSIONER SHALL DEVELOP AND ADMINISTER TRAINING PROGRAMS FOR CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS.

2. THE COMMISSIONER SHALL MAKE REGULATIONS APPLICABLE TO CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS, INCLUDING BUT NOT LIMITED TO:

(A) MINIMUM QUALIFICATIONS FOR CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS.

(B) MINIMUM TRAINING AND CONTINUING EDUCATION REQUIREMENTS FOR CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS.

(C) PROCEDURES AND STANDARDS FOR PRONOUNCING DEATHS.

(D) PROCEDURES AND STANDARDS FOR INVESTIGATING DEATHS.

(E) ANY OTHER PROVISIONS NECESSARY TO ENSURE APPROPRIATE PERFORMANCE OF THE DUTIES OF CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS AND TO CARRY OUT THE PROVISIONS OF THIS CHAPTER.

3. REGULATIONS UNDER THIS SECTION SHALL APPLY TO CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS IN addition TO THE PROVISIONS OF ANY OTHER LAW, LOCAL LAW OR REGULATION.

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

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4. (A) AT LEAST THREE MONTHS BEFORE FORMALLY PROPOSING TO MAKE ANY REGULATION UNDER THIS ARTICLE, THE COMMISSIONER, IN ACCORDANCE WITH THE PROVISIONS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL SEND A COPY OF THE PROPOSED REGULATION TO THE CHIEF EXECUTIVE AND PRESIDING OFFICER OF THE LEGISLATIVE BODY OF EVERY COUNTY AND THE CITY OF NEW YORK, AND TO EVERY LOCAL HEALTH OFFICER, WITH A NOTICE (I) REQUESTING COMMENT ON THE PROPOSED REGULATION, ESPECIALLY WITH RESPECT TO ANY CONFLICT WITH ANY LAW, LOCAL LAW, REGULATION, OR PRACTICE; AND (II) STATING THE PROCEDURE AND TIMETABLE FOR ADOPTION OF THE PROPOSED REGULATION.

(B) THE COMMISSIONER MAY MODIFY THE PROPOSED REGULATION, OR MAKE REGULATIONS, UNDER THIS SECTION TO ACCOMMODATE ANY LAW, LOCAL LAW, REGULATION OR PRACTICE OF A PARTICULAR COUNTY OR COUNTIES OR THE CITY OF NEW YORK.

(C) IN THE CASE OF AN EMERGENCY RULEMAKING UNDER SUBDIVISION SIX OF SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT, THE THREE MONTH PRIOR NOTIFICATION REQUIREMENT UNDER PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY, BUT A COPY OF THE REGULATION AND NOTICE, AS TO CONSIDERATION OF THE REGULATION IN ACCORDANCE WITH THE PROVISIONS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL BE IMMEDIATELY SENT TO THE OFFICERS REFERRED TO IN PARAGRAPH (A) OF THIS SUBDIVISION, WITH A NOTICE (I) REQUESTING COMMENT ON THE REGULATION, ESPECIALLY WITH RESPECT TO ANY CONFLICT WITH ANY LAW, LOCAL LAW, REGULATION, OR PRACTICE, AND (II) STATING THE PROCEDURE AND TIMETABLE FOR FURTHER CONSIDERATION OF THE REGULATION UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT.

S 2. This act shall take effect immediately.