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

123

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing the state board for medicine and the commissioner of education to promulgate rules and regulations for physician training

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

Section 1. The legislature finds and declares that:

a. The findings of a federally-funded study by Georgetown University, in conjunction with the Rand Corporation and the University of Pennsylvania, which were published in the New England Journal of Medicine, indicate that physicians are far less likely to refer blacks and women than white men with identical complaints of chest pain to heart specialists for cardiac catheterization; and the authors of this study suggest that the difference in referral rates stems from racial and sexual biases;

b. These findings are the latest in a growing body of medical literature which documents race and gender-based disparities in the provision of health care, especially in the treatment of cardiovascular disease; however, according to the surgeon general of the United States, the Georgetown University study represents the best attempt to date to document the racial attitudes of physicians as a factor in the poorer health of African Americans;

c. It is estimated that the minority population in the United States will have increased by 60% between 2005 and the year 2010;

d. Cultural awareness and cultural competence are essential skills for providing quality health care to a diverse patient population;

e. Only a small percentage of medical schools nationwide currently provide some formal training in cultural competence;

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

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f. The Association of American Medical Colleges is working to help medical schools improve the teaching of cultural competency; and

g. The public interest in providing quality health care to all segments of society dictates the need for a formal requirement that medical professionals be trained in the provision of culturally competent health care as a condition of licensure to practice medicine in the state of New York.

S 2. Section 6523 of the education law, as amended by chapter 364 of the laws of 1991, is amended to read as follows:

S 6523. State board for medicine. 1. A state board for medicine shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than twenty physicians licensed in this state for at least five years, two of whom shall be doctors of osteopathy. The board shall also consist of not less than two physician's assistants licensed to practice in this state. The participation of physician's assistant members shall be limited to matters relating to article one hundred thirty-one-B of this [chapter] TITLE. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be either a physician licensed in this state or a non-physician, deemed qualified by the commissioner and board of regents.

2. THE STATE BOARD FOR MEDICINE SHALL PRESCRIBE THE FOLLOWING REQUIREMENTS FOR PHYSICIAN TRAINING, BY REGULATION, IN CONSULTATION WITH THE COMMISSIONER:

A. THE CURRICULUM IN EACH COLLEGE OF MEDICINE IN THIS STATE SHALL INCLUDE ONE OR MORE CULTURAL COMPETENCY COURSES WHICH ARE DESIGNED TO ADDRESS THE PROBLEM OF RACE AND GENDER-BASED DISPARITIES IN MEDICAL TREATMENT DECISIONS AND ARE DEVELOPED IN CONSULTATION WITH THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES OR ANOTHER NATIONALLY RECOGNIZED ORGANIZATION WHICH REVIEWS MEDICAL SCHOOL CURRICULA.

B. COMPLETION OF A CULTURAL COMPETENCY COURSE AS PROVIDED IN PARAGRAPH A OF THIS SUBDIVISION SHALL BE REQUIRED AS A CONDITION OF RECEIVING A DIPLOMA FROM A COLLEGE OF MEDICINE IN THIS STATE.

C. A COLLEGE OF MEDICINE WHICH INCLUDES A CULTURAL COMPETENCY COURSE AS PROVIDED IN PARAGRAPH A OF THIS SUBDIVISION IN ITS CURRICULA SHALL OFFER FOR CONTINUING EDUCATION CREDIT, CULTURAL COMPETENCY TRAINING WHICH IS PROVIDED THROUGH ONE OR MORE COURSES, WORKSHOPS OR OTHER EDUCATIONAL PROGRAMS SPONSORED BY THE COLLEGE AND WHICH MEETS CRITERIA ESTABLISHED BY THE STATE BOARD FOR MEDICINE CONSISTENT WITH THOSE FOR COURSES DEVELOPED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION.

D. A PERSON WHO RECEIVED A DIPLOMA FROM A COLLEGE OF MEDICINE IN THIS STATE PRIOR TO THE EFFECTIVE DATE OF REGULATIONS ADOPTED BY THE STATE BOARD FOR MEDICINE TO EFFECTUATE THE PURPOSES OF THIS SUBDIVISION SHALL BE REQUIRED, AS A CONDITION OF INITIAL LICENSURE BY THE STATE BOARD FOR MEDICINE TO DOCUMENT COMPLETION OF A MINIMUM OF SIXTEEN HOURS OF CULTURAL COMPETENCY TRAINING WHICH IS OFFERED PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION TO THE SATISFACTION OF THE STATE BOARD FOR MEDICINE.

E. A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE SHALL BE REQUIRED, AS A CONDITION OF RELICENSURE, TO DOCUMENT COMPLETION OF A MINIMUM OF SIXTEEN HOURS OF CULTURAL COMPETENCY TRAINING WHICH IS OFFERED PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION TO THE SATISFACTION OF THE STATE BOARD FOR MEDICINE NO LATER THAN THREE YEARS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

F. THE STATE BOARD FOR MEDICINE MAY WAIVE THE REQUIREMENTS OF PARAGRAPH D OR E OF THIS SUBDIVISION IF AN APPLICANT FOR LICENSURE OR RELICENSURE, AS APPLICABLE, DEMONSTRATES TO THE SATISFACTION OF THE STATE BOARD FOR MEDICINE THAT THE APPLICANT HAS ATTAINED THE SUBSTANTIAL EQUIVALENT OF THIS REQUIREMENT THROUGH COMPLETION OF A SIMILAR COURSE IN HIS OR HER POST-SECONDARY EDUCATION WHICH MEETS CRITERIA ESTABLISHED BY REGULATION OF THE STATE BOARD FOR MEDICINE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.