

4387

2009-2010 Regular Sessions

I N   S E N A T E

April 22, 2009

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to clinical education in pain management

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

1     Section 1. The public health law is amended by adding a new article  
2     28-F to read as follows:

3                             ARTICLE 28-F

4                             PAIN MANAGEMENT

5     SECTION 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT.

6             2900-A. ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION.

7     S 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT. 1. EVERY PHYSICIAN,  
8     PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT PRACTICING IN THE STATE  
9     SHALL, EVERY FOUR YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN  
10    MANAGEMENT, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY THE  
11    DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE DEPARTMENT IN  
12    CONSULTATION WITH THE EDUCATION DEPARTMENT; AND SO DOCUMENT COMPLETION  
13    TO THE DEPARTMENT.

14    2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO  
15    ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO DEMONSTRATES TO THE  
16    DEPARTMENT'S SATISFACTION THAT:

17    (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK  
18    OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE, OR

19    (B) HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE  
20    DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING  
21    APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

22    3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-  
23    RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION,  
24    OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED  
25    IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED

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

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1 TO: PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER SYMPTOMS;  
2 ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES ON END-OF-LIFE CARE;  
3 ACUPUNCTURE TREATMENT; AND CLINICAL COMMUNICATION SKILLS. THE DEPARTMENT  
4 SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE PRACTI-  
5 TIONERS, INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT,  
6 INCLUDING EXPERTISE IN THE ACUPUNCTURE FIELD, WITH RESPECT TO THE STAND-  
7 ARDS PROMULGATED UNDER THIS SECTION.

8 S 2900-A. ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION. THE COMMIS-  
9 SIONER, IN DEVELOPING, REVIEWING AND IMPLEMENTING THE EDUCATIONAL STAND-  
10 ARDS UNDER SECTION TWENTY-NINE HUNDRED OF THIS ARTICLE, AND THE COMMIS-  
11 SIONER OF EDUCATION, IN DEVELOPING, REVIEWING AND IMPLEMENTING  
12 EDUCATIONAL STANDARDS UNDER SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE  
13 EDUCATION LAW, SHALL CONSULT THE ADVISORY COMMITTEE ON PAIN MANAGEMENT  
14 EDUCATION CREATED BY THIS SECTION. THE ADVISORY COMMITTEE ON PAIN  
15 MANAGEMENT EDUCATION SHALL BE COMPRISED OF TWELVE MEMBERS APPOINTED AS  
16 FOLLOWS: SIX BY THE COMMISSIONER; AND SIX BY THE COMMISSIONER OF EDUCA-  
17 TION. THE COMMITTEE SHALL BE REPRESENTATIVE OF HEALTH CARE PRACTITIONERS  
18 AND THEIR PROFESSIONAL ORGANIZATIONS, PAIN MANAGEMENT SPECIALISTS,  
19 INCLUDING THOSE IN THE ACUPUNCTURE FIELD, AND HEALTH CARE PRACTITIONER  
20 EDUCATION EXPERTS.

21 S 2. The education law is amended by adding a new section 6505-d to  
22 read as follows:

23 S 6505-D. CLINICAL EDUCATION IN PAIN MANAGEMENT. 1. EVERY HEALTH CARE  
24 PRACTITIONER LICENSED OR CERTIFIED PURSUANT TO THIS TITLE, WHO IS  
25 AUTHORIZED TO ORDER, PRESCRIBE, ADMINISTER OR DISPENSE PAIN-RELIEVING  
26 MEDICATIONS OR OTHER TREATMENT FOR THE RELIEF OF PAIN IN THIS STATE  
27 (OTHER THAN A PHYSICIAN, PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT)  
28 SHALL, EVERY FOUR YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN  
29 MANAGEMENT, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY THE  
30 DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE DEPARTMENT IN  
31 CONSULTATION WITH THE DEPARTMENT OF HEALTH; AND SO DOCUMENT TO THE  
32 DEPARTMENT.

33 2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF  
34 SUBDIVISION ONE OF THIS SECTION TO ANYONE WHO REQUESTS SUCH AN EXEMPTION  
35 AND WHO DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT:

36 (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK  
37 OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE, OR

38 (B) THAT HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE  
39 DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING  
40 APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

41 3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-  
42 RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION,  
43 OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED  
44 IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED  
45 TO: ACUPUNCTURE; PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER  
46 SYMPTOMS; ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES ON  
47 END-OF-LIFE CARE; AND CLINICAL COMMUNICATION SKILLS. THE DEPARTMENT OF  
48 HEALTH SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE  
49 PRACTITIONERS; INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT  
50 WITH RESPECT TO THE STANDARDS PROMULGATED UNDER THIS SECTION.

51 S 3. This act shall take effect immediately.