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

629

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

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

AN ACT to amend the public health law, in relation to lymphedema

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

Section 1. Section 2400 of the public health law is amended to read as follows:

S 2400. Cancer; powers and duties of commissioner. The commissioner shall conduct investigations of the cause, mortality, methods of treatment, prevention and cure of cancer, and allied diseases, including, BUT NOT LIMITED TO, LYMPHEDEMA RELATED TO THE TREATMENT OF CANCER, AS WELL AS the nature and extent of the facilities available in the several counties and cities of the state, for the diagnosis and treatment of these diseases, and shall cooperate with local health authorities, physicians, hospitals, clinics and voluntary associations, in the development of suitable facilities for the diagnosis, treatment and control of cancer.

S 2. Subdivisions 1 and 3 of section 2401 of the public health law, subdivision 1 as amended by chapter 638 of the laws of 2008, subdivision 3 as amended by chapter 642 of the laws of 1997, are amended to read as follows:

1. Every physician, dentist and other health care provider shall give notice immediately but not later than one hundred eighty days of every case of cancer [or], other malignant disease OR LYMPHEDEMA RELATED TO THE TREATMENT OF CANCER, coming under his or her care, to the department, except as otherwise provided. The department shall make a concerted effort to collect the following information for each reported case of cancer. The information reported to the department shall include but not be limited to genetic history, occupational history, age, residence history, and other relevant information as the commissioner shall determine but at a minimum shall collect and aggregate all information

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

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and data being collected by the department for other purposes. The department, in consultation with the health research science board, shall develop procedures to assure correct counting of such cases of cancer or other malignant disease, to eliminate possible multiple counting as might occur if all physicians, dentists and other health care providers engaged in an individual patient's diagnosis are required to report.

3. The person in charge of every cancer reporting facility shall immediately but not later than one hundred eighty days give notice of every case of cancer [or], malignant disease, OR LYMPHEDEMA RELATED TO THE TREATMENT OF CANCER, coming under the care of the institution to the department.

S 3. Section 2404 of the public health law is amended by adding a new subdivision 1-b to read as follows:

1-B. TO AID A PERSON IN DECIDING A COURSE OF TREATMENT, THE INFORMATIONAL SUMMARY SHALL ALSO INCLUDE INFORMATION ON POST TREATMENT RISKS, POTENTIAL SIDE-EFFECTS, AND OTHER PERTINENT INFORMATION ASSOCIATED WITH EACH TREATMENT OPTION, INCLUDING, BUT NOT LIMITED TO, INFORMATION ON POST-TREATMENT CONDITIONS SUCH AS LYMPHEDEMA AND ITS ASSOCIATED SYMPTOMS, COMPLICATIONS AND CURRENT AS WELL AS NEW AND EMERGING AND ALTERNATIVE TREATMENT OPTIONS FOR LYMPHEDEMA.

S 4. Paragraph (c) of subdivision 1 of section 2404-a of the public health law, as added by chapter 141 of the laws of 1997, is amended to read as follows:

(c) the alternative medically viable methods of treating prostate cancer, including but not limited to hormonal, radiological, chemotherapeutic or surgical treatments, or combinations thereof. The summary shall contain information on prostate post-treatment risks, INCLUDING BUT NOT LIMITED TO, INFORMATION ON CONDITIONS SUCH AS LYMPHEDEMA AND ITS ASSOCIATED SYMPTOMS, COMPLICATIONS AND CURRENT AS WELL AS NEW AND EMERGING AND ALTERNATIVE TREATMENT OPTIONS FOR LYMPHEDEMA, and other pertinent information to aid a person in deciding a course of treatment. The summary shall be updated as is necessary.

S 5. Subdivision 1 of section 2581 of the public health law, as amended by chapter 654 of the laws of 1986, is amended to read as follows:

1. "Children with physical disabilities" means any persons under twenty-one years of age who are disabled by reason of a defect or disability, whether congenital or acquired by accident, injury, or disease, or who are suffering from long-term disease, including, but without limiting the generality of the foregoing, chronic granulomatous, cystic fibrosis, epidermolysis bullosa, muscular dystrophy, nephrosis, rheumatic fever and rheumatic heart disease, blood dyscrasies, cancer, LYMPHATIC DISEASES, INCLUDING, BUT NOT LIMITED TO: INSUFFICIENCY OF LYMPHATIC CIRCULATORY FUNCTION (TO INCLUDE ALL FORMS OF LYMPHEDEMA, BOTH PRIMARY AND SECONDARY); LIPEDEMA; COMPLEX VASCULAR DISEASES OF THE LYMPHATIC VASCULATURE, INCLUDING LYMPHANGIOMATOSIS, LYMPHANGIOLEIO-MYOMATOSIS, LYMPHANGIECTASIAS, LYMPHANGIOMAS, CYSTIC HYGROMAS, GORHAM'S DISEASE, LYMPHANGIOSARCOMA, AND COMPLEX VASCULAR/LYMPHATIC MALFORMATIONS AND SYNDROMES, brain injured, and chronic asthma, or from any disease or condition likely to result in a disability in the absence of treatment, provided, however, no child shall be deprived of a service under the provisions of this chapter solely because of the degree of mental retardation.

S 6. Paragraph (c) of subdivision 1 of section 207 of the public health law, as amended by chapter 471 of the laws of 2007, is amended to read as follows:

(c) Lymphedema AND LYMPHATIC DISEASE, an abnormal swelling of the extremities including the causes [and], symptoms AND NATURE of PRIMARY AND SECONDARY lymphedema AND LYMPHATIC DISEASE, PREVENTION, EARLY DIAGNOSIS, CURRENT AND NEW AND EMERGING OPTIONS FOR TREATMENT AND THERAPY, RESEARCH, MEDICAL INSURANCE, LONG-TERM CHRONIC CARE ISSUES, AND CONTACT AND VOLUNTARY ENROLLMENT INFORMATION FOR THE NATIONAL PATIENT REGISTRY TISSUE/CELL BANK FOR LYMPHATIC DISEASES, the value of early detection, possible options for treatment including their benefits and risks, and other relevant information and the recommendation that hospitals treating breast cancer patients implement a lymphedema alert program by placing a bright pink wristband on the patient's affected arm.

S 7. This act shall take effect immediately, provided that sections one through five of this act shall take effect on the first of April next succeeding the date on which they shall become law; and provided further that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.