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

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I N S E N A T E

February 2, 2010

Introduced by Sens. HANNON, LARKIN, MORAHAN, VOLKER -- 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 establishing the office of complementary and alternative medicine and establishing its powers and duties

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

Section 1. Article 2 of the public health law is amended by adding a new title 6 to read as follows:

TITLE VI

OFFICE OF COMPLEMENTARY AND ALTERNATIVE MEDICINE

SECTION 266. DEFINITIONS.
266-A. OFFICE OF COMPLEMENTARY AND ALTERNATIVE MEDICINE.
266-B. PREPARATION AND DISTRIBUTION OF REPORTS.
266-C. COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL.

S 266. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE:

1. "COMPLEMENTARY AND ALTERNATIVE MEDICINE" SHALL MEAN THE GROUP OF MEDICAL, HEALTH CARE AND HEALING SYSTEMS, INCLUDING NON-CONVENTIONAL MEDICAL TREATMENTS, OTHER THAN THOSE INCLUDED IN MAINSTREAM HEALTH CARE, INCLUDING THE WORLDVIEWS, THEORIES, MODALITIES, PRODUCTS AND PRACTICES ASSOCIATED WITH THESE SYSTEMS AND THEIR USE TO TREAT ILLNESS AND PROMOTE HEALTH AND WELL-BEING.

2. "COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL" SHALL MEAN THAT ADVISORY BODY TO THE COMMISSIONER, CREATED PURSUANT TO THE PROVISIONS OF SECTION TWO HUNDRED SIXTY-SIX-C OF THIS TITLE.

3. "OFFICE" SHALL MEAN THE OFFICE OF COMPLEMENTARY AND ALTERNATIVE MEDICINE, CREATED PURSUANT TO SECTION TWO HUNDRED SIXTY-SIX-A OF THIS TITLE.

S 266-A. OFFICE OF COMPLEMENTARY AND ALTERNATIVE MEDICINE. THERE IS HEREBY CREATED, WITHIN THE DEPARTMENT, THE OFFICE OF COMPLEMENTARY AND ALTERNATIVE MEDICINE. SUCH OFFICE SHALL:

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

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1. ENGAGE IN COORDINATED RESEARCH CONCERNING COMPLEMENTARY AND ALTERNATIVE MEDICINE, INCLUDING, BUT NOT LIMITED TO, WHAT COMPLEMENTARY AND ALTERNATIVE MEDICINE PRODUCTS AND SERVICES, INCLUDING NUTRITIONAL AND HERBAL SUPPLEMENTS, ARE AVAILABLE TO PATIENTS, HOW TO DETERMINE THE QUALITY OF SUCH PRODUCTS AND SERVICES, AND HOW SUCH PRODUCTS AND SERVICES MAY BE EFFECTIVELY INTEGRATED WITH MORE MAINSTREAM HEALTH CARE;

2. PROVIDE HEALTH CARE PROFESSIONALS AND PATIENTS WITH RELIABLE AND USEFUL INFORMATION ABOUT COMPLEMENTARY AND ALTERNATIVE MEDICINE IN A READILY ACCESSIBLE AND UNDERSTANDABLE MANNER, INCLUDING INFORMATION ABOUT THE RELATIVE SAFETY AND EFFECTIVENESS OF COMPLEMENTARY AND ALTERNATIVE MEDICINE PRODUCTS AND SERVICES;

3. DEVELOP RECOMMENDATIONS CONCERNING THE EDUCATION AND TRAINING OF LICENSED HEALTH CARE PRACTITIONERS IN COMPLEMENTARY AND ALTERNATIVE MEDICINE, APPROPRIATE OVERSIGHT OF CURRENTLY UNLICENSED OR OTHERWISE UNREGULATED PRACTITIONERS OF COMPLEMENTARY AND ALTERNATIVE MEDICINE, AND ENSURING APPROPRIATE ACCESS TO AND DELIVERY OF COMPLEMENTARY AND ALTERNATIVE MEDICINE;

4. TOGETHER WITH THE COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL, SERVE AS LIAISON AND ADVOCATE FOR THE DEPARTMENT ON COMPLEMENTARY AND ALTERNATIVE MEDICINE MATTERS. THIS FUNCTION SHALL INCLUDE THE PROVISION OF STAFF SUPPORT TO THE COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL AND THE ESTABLISHMENT OF APPROPRIATE PROGRAM LINKAGES WITH RELATED FEDERAL, STATE, AND LOCAL AGENCIES;

5. HOST SUCH PUBLIC HEARINGS AND ROUNDTABLE DISCUSSIONS AS THE OFFICE SHALL DEEM NECESSARY FOR A FULL AND FAIR EXAMINATION OF THE ISSUES SURROUNDING COMPLEMENTARY AND ALTERNATIVE MEDICINE; AND

6. APPLY FOR GRANTS, AND ACCEPT GIFTS FROM PRIVATE AND PUBLIC SOURCES, FOR THE PURPOSES LISTED IN THIS SECTION.

S 266-B. PREPARATION AND DISTRIBUTION OF REPORTS. THE DEPARTMENT SHALL SUBMIT A BIENNIAL REPORT TO THE GOVERNOR AND THE LEGISLATURE DESCRIBING THE ACTIVITIES OF THE OFFICE. THE FIRST SUCH REPORT SHALL BE TRANSMITTED ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND ELEVEN. SUCH REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:

1. THE ACTIVITIES OF THE OFFICE, EXPENDITURES INCURRED IN CARRYING OUT SUCH ACTIVITIES AND ANTICIPATED ACTIVITIES TO BE UNDERTAKEN IN THE FUTURE;

2. PROGRESS IN FULFILLING THE PURPOSES LISTED IN SECTION TWO HUNDRED SIXTY-SIX-A OF THIS TITLE;

3. RECOMMENDATIONS PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED SIXTY-SIX-A OF THIS TITLE; AND

4. ANY RECOMMENDED IMPROVEMENTS TO PROGRAMS, REGULATIONS OR STATUTES THAT WOULD ENHANCE THE EFFECTIVENESS OF THE OFFICE.

S 266-C. COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL. 1. APPOINTMENT OF MEMBERS. THERE SHALL BE ESTABLISHED IN THE OFFICE A COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL TO CONSIST OF THE COMMISSIONER AND FOURTEEN MEMBERS TO BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE. MEMBERS SHALL BE KNOWLEDGEABLE ABOUT COMPLEMENTARY AND ALTERNATIVE MEDICINE, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LICENSED HEALTH CARE PRACTITIONERS.

2. TERMS OF OFFICE; VACANCIES. A. THE TERMS OF OFFICE OF MEMBERS OF THE COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL SHALL BE SIX YEARS. THE MEMBERS OF THE COUNCIL SHALL CONTINUE IN OFFICE UNTIL THE EXPIRATION OF THEIR TERMS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND HAVE QUALIFIED. SUCH APPOINTMENTS SHALL BE MADE BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, WITHIN ONE YEAR FOLLOWING THE EXPIRATION OF SUCH TERMS.

B. VACANCIES SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERMS WITHIN ONE YEAR OF THE DATE UPON WHICH SUCH VACANCIES OCCUR.

C. IN MAKING APPOINTMENTS TO THE COUNCIL, THE GOVERNOR SHALL SEEK TO ENSURE THAT MEMBERSHIP ON THE COUNCIL IS CONSISTENT WITH THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION.

3. MEETINGS. A. THE COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL SHALL MEET AS FREQUENTLY AS ITS BUSINESS MAY REQUIRE, AND AT LEAST TWICE IN EACH YEAR.

B. THE GOVERNOR SHALL DESIGNATE ONE OF ITS MEMBERS AS ITS CHAIR.

4. COMPENSATION AND EXPENSES. THE MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION OTHER THAN REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES.

5. POWERS AND DUTIES. THE COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL SHALL, AT THE REQUEST OF THE COMMISSIONER, CONSIDER AND ADVISE THE OFFICE CONCERNING ANY MATTER RELATING TO THE PURPOSES OF THE OFFICE LISTED IN SECTION TWO HUNDRED SIXTY-SIX-A OF THIS TITLE.

S 2. This act shall take effect immediately.