

4661

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. McDONOUGH -- read once and referred 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 ASSEM-
BLY, 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.

LBD05533-01-1

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.