

8176--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 3, 2011

Introduced by M. of A. ROSENTHAL, GOTTFRIED, P. RIVERA, STEVENSON --
Multi-Sponsored by -- M. of A. DINOWITZ -- read once and referred to
the Committee on Health -- recommitted to the Committee on Health in
accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee

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

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 AND PALLIATIVE CARE

5 SECTION 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT AND PALLIATIVE CARE.

6 S 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT AND PALLIATIVE CARE. 1.
7 EVERY HEALTH CARE PROFESSIONAL PRACTICING IN THE STATE SHALL, EVERY FOUR
8 YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN MANAGEMENT AND
9 PALLIATIVE CARE, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY
10 THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE COMMIS-
11 SIONER IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION; AND SO DOCU-
12 MENT COMPLETION TO THE DEPARTMENT. AS USED IN THIS SECTION, "HEALTH
13 CARE PROFESSIONAL" MEANS A PERSON LICENSED, REGISTERED OR CERTIFIED TO
14 PRACTICE A HEALTH CARE PROFESSION UNDER TITLE EIGHT OF THE EDUCATION LAW
15 THAT IS DESIGNATED BY REGULATION OF THE COMMISSIONER UNDER THIS SECTION.
16 THE COMMISSIONER SHALL, BY REGULATION, DESIGNATE AREAS OF PRACTICE OR
17 SPECIALTY WITHIN A PROFESSION THAT ARE EXEMPT FROM THIS SECTION.

18 2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO
19 ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO DEMONSTRATES TO THE
20 DEPARTMENT'S SATISFACTION THAT:

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

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1 (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK
2 OR TRAINING BECAUSE OF THE NATURE, AREA OR SPECIALTY OF HIS OR HER PRAC-
3 TICE, OR

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

7 3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-
8 RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION,
9 OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED
10 IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED
11 TO: PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER SYMPTOMS;
12 PREVENTING, IDENTIFYING, AND RESPONDING TO ABUSE OF AND ADDICTION TO
13 PRESCRIPTION DRUGS; ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES
14 ON END-OF-LIFE CARE; ACUPUNCTURE TREATMENT; ADVANCED CARE PLANNING AND
15 CLINICAL COMMUNICATION SKILLS. THE COMMISSIONER SHALL CONSULT WITH
16 ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE PRACTITIONERS, INSTITUTIONS
17 AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT, INCLUDING EXPERTISE IN THE
18 ACUPUNCTURE FIELD, AND PALLIATIVE CARE WITH RESPECT TO THE STANDARDS AND
19 REGULATIONS PROMULGATED UNDER THIS SECTION.

20 4. THE COMMISSIONER, IN DEVELOPING, REVIEWING AND IMPLEMENTING REGU-
21 LATIONS AND STANDARDS UNDER THIS SECTION, AND THE COMMISSIONER OF EDUCA-
22 TION, SHALL CONSULT THE NEW YORK STATE PALLIATIVE CARE EDUCATION AND
23 TRAINING COUNCIL CREATED BY SECTION TWENTY-EIGHT HUNDRED SEVEN-N OF THIS
24 CHAPTER.

25 S 2. This act shall take effect one year after it shall have become a
26 law. Effective immediately, the addition, amendment and/or repeal of
27 any rule or regulation necessary for the implementation of this act on
28 its effective date is authorized to be made and completed on or before
29 such effective date.