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

7750

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. SCARBOROUGH -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to allowing out-of-state licensed health care professionals to perform services in this state in certain limited circumstances and on a voluntary basis

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

Section 1. Section 6526 of the education law is amended by adding a new subdivision 10 to read as follows:

10. ANY PERSON WHO IS LICENSED TO PRACTICE AS A PHYSICIAN, PHYSICIAN'S ASSISTANT, MASSAGE THERAPIST, PHYSICAL THERAPIST, CHIROPRACTOR, DENTIST, DENTAL HYGIENIST, OPTOMETRIST, NURSE, OR NURSE PRACTITIONER IN ANOTHER JURISDICTION AND WHO COMPLIES WITH SECTION SIXTY-FIVE HUNDRED TWENTY-SIX-A OF THIS ARTICLE.

S 2. The education law is amended by adding a new section 6526-a to read as follow:

S 6526-A. VOLUNTEER PROFESSIONALS. 1. SPONSORING ORGANIZATION REQUIRED. PRIOR TO OFFERING ANY VOLUNTEER MEDICAL SERVICES, ANY PERSON WHO IS LICENSED TO PRACTICE AS A PHYSICIAN, PHYSICIAN'S ASSISTANT, MASSAGE THERAPIST, PHYSICAL THERAPIST, CHIROPRACTOR, DENTIST, DENTAL HYGIENIST, OPTOMETRIST, NURSE, OR NURSE PRACTITIONER IN ANOTHER JURISDICTION MUST FIRST ASSOCIATE WITH AND BE SPONSORED BY A REGISTERED SPONSORING ORGANIZATION AS SUCH ORGANIZATION IS DEFINED IN THIS SECTION.

2. REGISTRATION REQUIREMENTS AND REVOCATION. (A) BEFORE PROVIDING VOLUNTEER MEDICAL SERVICES IN THIS STATE, A SPONSORING ORGANIZATION SHALL REGISTER WITH THE DEPARTMENT OF HEALTH BY SUBMITTING A REGISTRATION FEE OF FIFTY DOLLARS AND FILING A REGISTRATION FORM. THE FIFTY DOLLAR REGISTRATION FEE SHALL NOT APPLY TO ANY SPONSORING ORGANIZATION WHEN PROVIDING VOLUNTEER HEALTH CARE SERVICES IN CASES OF NATURAL OR MAN-MADE DISASTERS. SUCH REGULATION FORM SHALL CONTAIN:

(I) THE NAME OF THE SPONSORING ORGANIZATION;

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

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(II) THE NAME OF PRINCIPAL INDIVIDUAL OR INDIVIDUALS WHO ARE THE OFFICERS OR ORGANIZATIONAL OFFICIALS RESPONSIBLE FOR THE OPERATION OF THE SPONSORING ORGANIZATION;

(III) THE ADDRESS, INCLUDING STREET, CITY, ZIP CODE AND COUNTY, OF THE SPONSORING ORGANIZATION'S PRINCIPAL OFFICE ADDRESS AND THE SAME ADDRESS INFORMATION FOR EACH PRINCIPAL OR OFFICIAL LISTED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH;

(IV) TELEPHONE NUMBERS FOR THE PRINCIPAL OFFICE OF THE SPONSORING AGENCY AND EACH PRINCIPAL OR OFFICIAL LISTED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

(V) SUCH ADDITIONAL INFORMATION AS THE DEPARTMENT SHALL REQUIRE.

(B) UPON ANY CHANGE IN THE INFORMATION REQUIRED UNDER PARAGRAPH (A) OF THIS SUBDIVISION, THE SPONSORING ORGANIZATION SHALL NOTIFY THE DEPARTMENT IN WRITING OF SUCH CHANGE WITHIN THIRTY DAYS OF ITS OCCURRENCE.

(C) THE SPONSORING ORGANIZATION SHALL FILE A YEARLY VOLUNTARY SERVICES REPORT WITH THE DEPARTMENT OF HEALTH THAT LISTS ALL LICENSED HEALTH CARE PROVIDERS WHO PROVIDED VOLUNTARY HEALTH CARE SERVICES IN THIS STATE DURING THE PRECEDING YEAR. THE SPONSORING ORGANIZATION SHALL MAINTAIN ON FILE FOR FIVE YEARS FOLLOWING THE DATE OF SERVICE ADDITIONAL INFORMATION, INCLUDING THE DATE, PLACE AND TYPE OF SERVICES PROVIDED.

(D) EACH SPONSORING ORGANIZATION SHALL MAINTAIN A LIST OF HEALTH CARE PROVIDERS ASSOCIATED WITH ITS PROVISION OF VOLUNTARY HEALTH SERVICES. FOR EACH SUCH HEALTH CARE PROVIDER, THE ORGANIZATION SHALL MAINTAIN A COPY OF A CURRENT LICENSE, CERTIFICATE OR STATEMENT OF EXEMPTION FROM LICENSURE OR CERTIFICATION OR, IN THE EVENT THAT THE HEALTH CARE PROVIDER IS CURRENTLY LICENSED IN THIS STATE, A COPY OF THE HEALTH CARE PROVIDER'S LICENSE VERIFICATION OBTAINED FROM A STATE-SPONSORED WEB SITE.

(E) THE SPONSORING ORGANIZATION SHALL MAINTAIN SUCH RECORDS FOR A PERIOD OF AT LEAVE FIVE YEARS FOLLOWING THE PROVISION OF HEALTH CARE SERVICES AND SHALL FURNISH SUCH RECORDS UPON REQUEST TO ANY REGULATORY BOARD ESTABLISHED UNDER THIS TITLE.

(F) COMPLIANCE WITH PARAGRAPHS (A) AND (C) OF THIS SUBDIVISION SHALL BE PRIMA FACIE EVIDENCE THAT THE SPONSORING ORGANIZATION HAS EXERCISED DUE CARE IN ITS SELECTION OF HEALTH CARE PROVIDERS.

(G) THE DEPARTMENT MAY REVOKE THE REGISTRATION OF ANY SPONSORING ORGANIZATION THAT FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS (A) THROUGH (E) OF THIS SUBDIVISION.

3. IMMUNITY FOR VOLUNTARY PROVISION OF HEALTH CARE SERVICES.

(A) NO PERSON WHO IS LICENSED, CERTIFIED OR AUTHORIZED BY THE BOARD OF ANY OF THE PROFESSIONS OF THE HEALING ACTS, AS ENUMERATED IN THIS TITLE, AND WHO ENGAGES IN THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES WITHIN THE LIMITS OF THE PERSON'S LICENSE, CERTIFICATION OR AUTHORIZATION TO ANY PATIENT OF A SPONSORING ORGANIZATION WITHIN THE MEANING OF THIS SECTION, SHALL BE LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION RESULTING FROM THE RENDERING OF SUCH SERVICES, UNLESS THE ACT OR OMISSION WAS THE RESULT OF SUCH PERSON'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

(B) THE VOLUNTEER LICENSEE WHO IS PROVIDING FREE CARE SHALL NOT RECEIVE COMPENSATION OF ANY TYPE, DIRECTLY OR INDIRECTLY, OR ANY BENEFITS OF ANY TYPE WHATSOEVER, OR ANY CONSIDERATION OF ANY NATURE, FROM ANYONE FOR SUCH FREE CARE, NOR SHALL SUCH SERVICES BE PART OF THE PROVIDER'S TRAINING OR ASSIGNMENT.

(C) THE VOLUNTEER LICENSEE MUST BE ACTING WITHIN THE SCOPE OF SUCH LICENSE, CERTIFICATION OR AUTHORITY.

(D) A HEALTH CARE LICENSEE PROVIDING FREE HEALTH CARE SHALL NOT ENGAGE IN ACTIVITIES AT A CLINIC OR AT THE HEALTH CARE LICENSEE'S OFFICE, IF THE ACTIVITIES ARE PERFORMED ON BEHALF OF THE SPONSORING ORGANIZATION, UNLESS THOSE ACTIVITIES ARE AUTHORIZED BY THE APPROPRIATE AUTHORITIES TO BE PERFORMED AT THE CLINIC OR OFFICE AND THE CLINIC OR OFFICE IS IN COMPLIANCE WITH ALL APPLICABLE RULES AND REGULATIONS.

(E) FOR PURPOSES OF THIS SECTION, ANY COMMISSIONED OR CONTRACT MEDICAL OFFICER OR DENTIST SERVING ON ACTIVE DUTY IN THE UNITED STATES ARMED FORCES AND ASSIGNED TO DUTY AS A PRACTICING, COMMISSIONED OR CONTRACT MEDICAL OFFICER OR DENTIST AT ANY MILITARY HOSPITAL OR MEDICAL FACILITY OWNED AND OPERATED BY THE UNITED STATES GOVERNMENT SHALL BE DEEMED TO BE LICENSED PURSUANT TO THIS SECTION.

S 3. This act shall take effect immediately.