

8176

2011-2012 Regular Sessions

I N A S S E M B L Y

June 3, 2011

Introduced by M. of A. ROSENTHAL, GOTTFRIED -- 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 and palliative care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 PHYSICIAN, PHYSICIAN ASSISTANT, NURSE PRACTITIONER, NURSE AND
8 SPECIALIST ASSISTANT PRACTICING IN THE STATE SHALL, EVERY FOUR YEARS
9 COMPLETE COURSE WORK OR TRAINING REGARDING PAIN MANAGEMENT AND PALLIA-
10 TIVE CARE, 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.

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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 DEPART-
4 MENT SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE
5 PRACTITIONERS, INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT,
6 INCLUDING EXPERTISE IN THE ACUPUNCTURE FIELD, AND PALLIATIVE CARE WITH
7 RESPECT TO THE STANDARDS PROMULGATED UNDER THIS SECTION.

8 4. THE COMMISSIONER, IN DEVELOPING, REVIEWING AND IMPLEMENTING THE
9 EDUCATIONAL STANDARDS UNDER THIS SECTION, AND THE COMMISSIONER OF EDUCA-
10 TION, IN DEVELOPING, REVIEWING AND IMPLEMENTING EDUCATIONAL STANDARDS
11 UNDER SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE EDUCATION LAW, SHALL
12 CONSULT THE NEW YORK STATE PALLIATIVE CARE EDUCATION AND TRAINING COUN-
13 CIL CREATED BY SECTION TWENTY-EIGHT HUNDRED SEVEN-N OF THIS CHAPTER.

14 S 2. The education law is amended by adding a new section 6505-d to
15 read as follows:

16 S 6505-D. CLINICAL EDUCATION IN PAIN MANAGEMENT AND PALLIATIVE CARE.
17 1. EVERY HEALTH CARE PRACTITIONER LICENSED OR CERTIFIED PURSUANT TO THIS
18 TITLE, WHO IS AUTHORIZED TO ORDER, PRESCRIBE, ADMINISTER OR DISPENSE
19 PAIN-RELIEVING MEDICATIONS OR OTHER TREATMENT FOR THE RELIEF OF PAIN OR
20 OTHER SYMPTOMS IN THIS STATE (OTHER THAN A PHYSICIAN, NURSE PRACTITION-
21 ER, NURSE, PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT) SHALL, EVERY
22 FOUR YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN MANAGEMENT
23 AND PALLIATIVE CARE, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE,
24 APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY
25 THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF HEALTH; AND SO
26 DOCUMENT TO THE DEPARTMENT.

27 2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF
28 SUBDIVISION ONE OF THIS SECTION TO ANYONE WHO REQUESTS SUCH AN EXEMPTION
29 AND WHO DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT:

30 (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK
31 OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE, OR

32 (B) THAT HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE
33 DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING
34 APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

35 3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-
36 RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION,
37 OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED
38 IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED
39 TO: ACUPUNCTURE; PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER
40 SYMPTOMS; ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES ON
41 END-OF-LIFE CARE; AND CLINICAL COMMUNICATION SKILLS. THE DEPARTMENT OF
42 HEALTH SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE
43 PRACTITIONERS; INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT
44 AND PALLIATIVE CARE WITH RESPECT TO THE STANDARDS PROMULGATED UNDER THIS
45 SECTION.

46 S 3. This act shall take effect on the one hundred eightieth day after
47 it shall have become a law.