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

8829

I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. QUART -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the clinical information resource access program

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

Section 1. Subdivision 1 of section 201 of the public health law is amended by adding two new paragraphs (k-1) and (k-2) to read as follows:

(K-1) PURSUANT TO SECTION TWO HUNDRED SEVEN-A OF THIS TITLE, COORDINATE CLINICAL INFORMATION RESOURCES WITHIN NEW YORK STATE TO AVOID UNNECESSARY DUPLICATION OF EFFORT, RESOURCES AND FACILITIES;

(K-2) PURSUANT TO SECTION TWO HUNDRED SEVEN-A OF THIS TITLE, ENCOURAGE EDUCATION AND TRAINING IN THE AREA OF CLINICAL INFORMATION RESOURCES INCLUDING, BUT NOT LIMITED TO, THE ACQUISITION, LICENSING AND DISSEMINATION OF PRINT AND ELECTRONIC RESOURCES;

S 2. The public health law is amended by adding a new section 207-a to read as follows:

S 207-A. CLINICAL INFORMATION RESOURCE ACCESS PROGRAM. 1. THE DEPARTMENT, IN CONSULTATION AND COOPERATION WITH THE BOARD OF REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY, SHALL ENTER INTO CONTRACTS AND GRANT LICENSES FOR THE PROVISION TO INSTITUTIONS AND FACILITIES, ELECTING TO PARTICIPATE PURSUANT TO SUBDIVISION TWO OF THIS SECTION OF ELECTRONIC AND PRINT RESOURCES ON MEDICAL INFORMATION RELATED TO CLINICAL PRACTICE INCLUDING, BUT NOT LIMITED TO, ACADEMIC, PROFESSIONAL AND BUSINESS JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING TOOLS, INDICES, AND ABSTRACTS. ALL COSTS OF SUCH CONTRACTS AND LICENSES SHALL BE BORNE BY THE INSTITUTIONS AND FACILITIES, ELECTING TO PARTICIPATE PURSUANT TO SUBDIVISION TWO OF THIS SECTION, ON A PRO-RATA BASIS AS SHALL BE DETERMINED BY THE DEPARTMENT. EACH PARTICIPATING INSTITUTION AND FACILITY SHALL PAY ITS PRO-RATA SHARE TO THE DEPARTMENT AT SUCH TIMES AS SHALL BE DETERMINED TO BE NECESSARY BY THE STATE COMPTROLLER.

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

LBD11032-05-1

2. THE ELECTRONIC AND PRINT RESOURCES ON MEDICAL INFORMATION RELATED TO CLINICAL PRACTICE MADE AVAILABLE PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE MADE AVAILABLE TO INSTITUTIONS AND FACILITIES ENGAGED IN CLINICAL HEALTH PRACTICE OR THE PROVISION OF ACADEMIC CURRICULA IN SUPPORT OF ANY SUCH PRACTICE, AND WHICH PROVIDE NOTICE TO THE DEPARTMENT OF THEIR INTENT TO BE PROVIDED WITH SUCH RESOURCES. PARTICIPATING INSTITUTIONS AND FACILITIES SHALL INCLUDE RESEARCHERS, SCHOLARS, FACULTY AND STUDENTS OF MEMBER AND ASSOCIATE INSTITUTIONS OF THE NEW YORK STATE HIGHER EDUCATION INITIATIVE; HEALTH CARE PRACTITIONERS AT CLINICAL FACILITIES AND INSTITUTIONS AFFILIATED WITH A MEMBER OR ASSOCIATE INSTITUTION OF THE NEW YORK STATE HIGHER EDUCATION INITIATIVE; OTHER INSTITUTIONS REGISTERED WITH THE OFFICE OF COLLEGE AND UNIVERSITY EVALUATION OF THE EDUCATION DEPARTMENT; THE STATE LIBRARY; AND SUCH MEDICAL LIBRARIES AS SHALL BE DESIGNATED BY THE ADVISORY BOARD ESTABLISHED BY SUBDIVISION THREE OF THIS SECTION. EACH PARTICIPATING INSTITUTION AND FACILITY SHALL GRANT INFORMATION ACCESS TO HEALTH CARE PROVIDERS LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW, FACILITIES LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THIS CHAPTER, AND FEDERALLY QUALIFIED HEALTH CLINICS OPERATING WITHIN THIS STATE.

3. A. THE DEPARTMENT SHALL ESTABLISH AN ADVISORY BOARD FOR THE PURPOSE OF DESIGNATING MEDICAL LIBRARIES ELIGIBLE TO BE PARTICIPATING INSTITUTIONS AND FACILITIES, AND MAKING RECOMMENDATIONS TO THE DEPARTMENT RELATING TO THE SELECTION, PROCUREMENT AND MAINTENANCE OF MEDICAL INFORMATION RESOURCES PURSUANT TO THIS SECTION. THE ADVISORY BOARD SHALL BE COMPOSED OF TEN MEMBERS APPOINTED BY THE COMMISSIONER AS FOLLOWS: ONE REPRESENTATIVE OF ACADEMIC AND RESEARCH LIBRARIES OF SMALL INSTITUTIONS OF HIGHER EDUCATION; ONE REPRESENTATIVE OF ACADEMIC AND RESEARCH LIBRARIES OF MEDIUM INSTITUTIONS OF HIGHER EDUCATION; ONE REPRESENTATIVE OF ACADEMIC AND RESEARCH LIBRARIES OF LARGE INSTITUTIONS OF HIGHER EDUCATION; ONE REPRESENTATIVE OF MEDICAL SCHOOL LIBRARIES; ONE REPRESENTATIVE OF COMMUNITY HOSPITALS; ONE REPRESENTATIVE OF PUBLIC HEALTH ORGANIZATIONS; ONE REPRESENTATIVE OF FEDERALLY QUALIFIED HEALTH CLINICS; AND THREE AT LARGE MEMBERS. THE MEMBERS OF THE ADVISORY BOARD SHALL BE BROADLY REPRESENTATIVE OF THE GEOGRAPHIC AREAS OF THE STATE. THE ADVISORY BOARD SHALL ELECT ITS CHAIR FROM AMONGST ITS MEMBERSHIP.

B. THE ADVISORY BOARD SHALL MEET AT THE CALL OF ITS CHAIR OR THE COMMISSIONER. NO ACTION SHALL BE TAKEN BY THE ADVISORY BOARD EXCEPT UPON THE AFFIRMATIVE VOTE OF SEVEN MEMBERS THEREOF.

C. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SUBDIVISION.

S 3. This act shall take effect immediately.