

1024

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

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Introduced by Sens. KLEIN, DIAZ, DUANE, HASSELL-THOMPSON, KRUEGER, SAMPSON, SAVINO, SERRANO, SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the asthma prevention and education program

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

1 Section 1. Legislative findings and purpose. The legislature finds  
2 that asthma is a chronic, potentially life-threatening, respiratory  
3 illness that affects over a million New Yorkers, including many thou-  
4 sands of children and adolescents. Asthma is the leading cause of school  
5 absences attributed to chronic conditions. Asthma is also directly  
6 linked to large and growing inpatient bills for medicaid and other  
7 health care payers. Therefore, the legislature finds that establishing a  
8 comprehensive statewide asthma prevention management and control program  
9 which coordinates the efforts of individuals, families, health care  
10 providers, schools and community-based organizations is in the public  
11 interest and would benefit the people of the state of New York.  
12 S 2. The public health law is amended by adding a new article 27-BB to  
13 read as follows:

14 ARTICLE 27-BB

15 ASTHMA DISEASE MANAGEMENT AND CONTROL

16 SECTION 2725. ASTHMA DISEASE MANAGEMENT AND CONTROL PROGRAM.  
17 2726. STUDY OF ASTHMA INCIDENCE AND PREVALENCE.  
18 2727. ASTHMA DISEASE ADVISORY PANEL.  
19 2728. ANNUAL REPORT.

20 S 2725. ASTHMA DISEASE MANAGEMENT AND CONTROL PROGRAM. 1. THERE IS  
21 HEREBY CREATED WITHIN THE DEPARTMENT THE ASTHMA DISEASE MANAGEMENT AND  
22 CONTROL PROGRAM (HEREINAFTER REFERRED TO IN THIS ARTICLE AS THE  
23 "PROGRAM"). THE PURPOSE OF THE PROGRAM IS TO PROMOTE ASTHMA DISEASE

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

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1 MANAGEMENT AND EDUCATION AND OUTREACH ABOUT ASTHMA TO PEOPLE WHO SUFFER  
2 FROM ASTHMA AND THEIR FAMILIES, HEALTH CARE PROVIDERS, AND THE GENERAL  
3 PUBLIC.

4 2. SERVICES TO BE PROVIDED BY THE PROGRAM MAY INCLUDE:

5 (A) ASTHMA DISEASE MANAGEMENT AND CASE MANAGEMENT FOR PATIENTS AND  
6 THEIR FAMILIES;

7 (B) ASTHMA OUTREACH AND SCREENING;

8 (C) THE PROMOTION OF AWARENESS OF THE CAUSES OF ASTHMA;

9 (D) EDUCATION ON PREVENTION STRATEGIES;

10 (E) EDUCATION ON PROPER DISEASE MANAGEMENT PRACTICES; AND

11 (F) EDUCATION ON AVAILABLE TREATMENT MODALITIES.

12 3. THE COMMISSIONER SHALL MAKE GRANTS WITHIN THE AMOUNTS APPROPRIATED  
13 THEREFORE TO LOCAL HEALTH AGENCIES, HEALTH CARE PROVIDERS, SCHOOLS,  
14 SCHOOL BASED HEALTH CENTERS AND COMMUNITY-BASED ORGANIZATIONS, AND OTHER  
15 ORGANIZATIONS WITH DEMONSTRATED INTEREST AND EXPERTISE IN SERVING  
16 PERSONS WITH ASTHMA TO PROVIDE THE SERVICES SET OUT IN THIS SECTION.  
17 GRANT RECIPIENTS SHALL BE GOVERNMENT ENTITIES OR NOT-FOR-PROFIT ORGAN-  
18 IZATIONS.

19 THE COMMISSIONER MAY COORDINATE GRANTS UNDER THIS SUBDIVISION WITH THE  
20 AVAILABILITY OF GRANTS FROM OTHER SOURCES. THE COMMISSIONER MAY ALSO  
21 ACCEPT OR SEEK GRANTS FROM OTHER SOURCES TO ENHANCE THE AMOUNTS APPRO-  
22 PRIATED TO THE PROGRAM.

23 S 2726. STUDY OF ASTHMA INCIDENCE AND PREVALENCE. 1. THE DEPARTMENT  
24 SHALL STUDY THE INCIDENCE AND PREVALENCE OF ASTHMA IN THE STATE'S POPU-  
25 LATION AND CURRENT DISEASE MANAGEMENT PRACTICES. SUCH STUDY SHALL  
26 INCLUDE:

27 (A) THE CAUSE AND NATURE OF THE DISEASE;

28 (B) BEHAVIORAL AND ENVIRONMENTAL TRIGGERS;

29 (C) AN ASSESSMENT OF THE NEED FOR PATIENT-CENTERED CASE MANAGEMENT TO  
30 MEET SPECIFIC PHYSICAL AND ENVIRONMENTAL NEEDS OF PATIENTS;

31 (D) OUTCOME EVALUATIONS, INCLUDING, BUT NOT LIMITED TO, PATIENT  
32 PERCEPTIONS OF IMPROVEMENT, SIGNS AND SYMPTOMS OF ASTHMA, PULMONARY  
33 FUNCTION, HISTORY OF ASTHMA EXACERBATIONS, PHARMACOTHERAPY, ASSESSMENT  
34 OF HOSPITAL EMERGENCY ROOM VISITS FOR ASTHMA, AND PATIENT-PROVIDER  
35 COMMUNICATION; AND

36 (E) AN ASSESSMENT OF THE ABILITY OF PROVIDERS, INCLUDING NON-PROFES-  
37 SIONALS AND HEALTH CARE PROFESSIONALS SUCH AS PHYSICIANS, NURSES, PHAR-  
38 MACISTS AND RESPIRATORY THERAPISTS, TO SYSTEMICALLY INSTRUCT AND DEVELOP  
39 ASTHMA MANAGEMENT PLANS FOR PATIENTS AND FREQUENTLY REVIEW WITH PATIENTS  
40 AND THEIR FAMILIES HOW TO MANAGE AND CONTROL THEIR ASTHMA.

41 2. THE DEPARTMENT SHALL GATHER DATA FOR MONITORING THE OCCURRENCE,  
42 FREQUENCY, INCIDENCE, CAUSE, EFFECT AND SEVERITY OF ASTHMA.

43 (A) THE DEPARTMENT MAY REQUIRE THE FOLLOWING TO REPORT DATA UNDER THIS  
44 SUBDIVISION:

45 I. THE STATEWIDE PLANNING AND RESEARCH COOPERATIVE SYSTEM (SPARCS);

46 II. HEALTH MAINTENANCE ORGANIZATIONS LICENSED PURSUANT TO ARTICLE  
47 FORTY-THREE OF THE INSURANCE LAW OR CERTIFIED PURSUANT TO THIS CHAPTER  
48 OR AN INDEPENDENT PRACTICE ASSOCIATION CERTIFIED OR RECOGNIZED PURSUANT  
49 TO THIS CHAPTER;

50 III. OTHER INSURERS;

51 IV. THE MEDICAID (TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT)  
52 PROGRAM;

53 V. HEALTH FACILITIES;

54 VI. HEALTH CARE PRACTITIONERS;

55 VII. PATIENTS: SELF REPORTING;

56 VIII. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; AND

1 IX. ANY OTHER SOURCE THE COMMISSIONER DEEMS APPROPRIATE.

2 (B) THE DEPARTMENT SHALL COMPILE AND ANALYZE DATA GATHERED UNDER PARA-  
3 GRAPH (A) OF THIS SUBDIVISION AND CORRELATE IT WITH DATA AS TO PLACES OF  
4 EMPLOYMENT, AREAS OF RESIDENCE, SCHOOLS ATTENDED, ENVIRONMENTAL FACTORS  
5 INCLUDING PROXIMITY TO SOURCE OF POLLUTION AND SUCH OTHER DATA AS THE  
6 DEPARTMENT DEEMS APPROPRIATE.

7 (C) THE DEPARTMENT SHALL MAINTAIN AND COMPILE REPORTED DATA IN A  
8 MANNER SUITABLE FOR RESEARCH PURPOSES AND SHALL COLLECT AND MAKE SUCH  
9 DATA AVAILABLE TO PERSONS IN THE MANNER SET FORTH IN SUBDIVISION THREE  
10 OF THIS SECTION.

11 3. ANY DATA COLLECTED OR REPORTED SHALL NOT CONTAIN THE NAME OF ANY  
12 PATIENT, HIS OR HER SOCIAL SECURITY NUMBER, OR ANY OTHER INFORMATION  
13 WHICH WOULD PERMIT A PATIENT TO BE IDENTIFIED. THE DEPARTMENT SHALL  
14 DEVELOP A UNIQUE, CONFIDENTIAL IDENTIFIER TO BE USED IN THE COLLECTION  
15 OF PATIENT INFORMATION AS REQUIRED BY THIS SECTION.

16 S 2727. ASTHMA DISEASE ADVISORY PANEL. THERE IS HEREBY CREATED WITHIN  
17 THE DEPARTMENT AN ASTHMA DISEASE ADVISORY PANEL. THE ADVISORY PANEL  
18 SHALL ADVISE THE COMMISSIONER REGARDING THE IMPLEMENTATION OF PROGRAMS,  
19 STUDIES AND REPORTS AUTHORIZED UNDER THIS ARTICLE. THE GOVERNOR SHALL  
20 APPOINT ELEVEN MEMBERS TO THE ADVISORY PANEL. TWO OF THE MEMBERS SHALL  
21 BE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, TWO  
22 OF THE MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPO-  
23 RARY PRESIDENT OF THE SENATE, ONE OF THE MEMBERS SHALL BE APPOINTED  
24 UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY, AND ONE  
25 OF THE MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORI-  
26 TY LEADER OF THE SENATE. THE APPOINTEES SHALL BE PERSONS KNOWLEDGEABLE  
27 IN THE CAUSES AND MANAGEMENT OF ASTHMA AND SHALL HAVE DEMONSTRATED  
28 COMMITMENT TO IMPROVING THE DETECTION OF ASTHMA AND THE DELIVERY OF  
29 SERVICES TO PEOPLE WITH ASTHMA. AT LEAST ONE MEMBER SHALL REPRESENT THE  
30 INTERESTS OF PERSONS WITH ASTHMA AND AT LEAST ONE MEMBER SHALL BE KNOW-  
31 LEDGEABLE OF ENVIRONMENTAL FACTORS RELATING TO ASTHMA.

32 S 2728. ANNUAL REPORT. COMMENCING ON THE FIRST OF JANUARY NEXT  
33 SUCCEEDING THE EFFECTIVE DATE OF THIS SECTION AND ANNUALLY THEREAFTER,  
34 THE COMMISSIONER, IN CONSULTATION WITH THE ADVISORY PANEL, SHALL SUBMIT  
35 A REPORT REGARDING THE STATUS AND ACCOMPLISHMENTS OF THE PROGRAM AND  
36 PROVIDE RECOMMENDATIONS TO THE GOVERNOR, THE TEMPORARY PRESIDENT AND THE  
37 MINORITY LEADER OF THE SENATE, AND THE SPEAKER AND THE MINORITY LEADER  
38 OF THE ASSEMBLY.

39 S 3. This act shall take effect on the one hundred eightieth day after  
40 it shall have become law. Effective immediately the commissioner of  
41 health is authorized to promulgate any and all rules and regulations and  
42 take any other measures necessary to implement this act on its effective  
43 date.