

118--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to requiring cultural awareness and competence training for all medical professionals; to amend the public health law, in relation to a public health education program; and making an appropriation therefor

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

1 Section 1. The education law is amended by adding a new section 6505-d
2 to read as follows:
3 S 6505-D. COURSE WORK OR TRAINING IN CULTURAL AWARENESS AND COMPE-
4 TENCE. 1. EVERY PHYSICIAN, PHYSICIAN ASSISTANT, DENTIST, REGISTERED
5 NURSE, LICENSED PRACTICAL NURSE, PODIATRIST, OPTOMETRIST AND DENTAL
6 HYGIENIST PRACTICING IN THE STATE SHALL, ON OR BEFORE JULY FIRST, TWO
7 THOUSAND THIRTEEN AND EVERY TWO YEARS THEREAFTER, COMPLETE COURSE WORK
8 OR TRAINING APPROPRIATE TO THE PROFESSIONAL'S PRACTICE APPROVED BY THE
9 DEPARTMENT REGARDING CULTURAL AWARENESS AND COMPETENCE IN THE NON-DIS-
10 CRIMINATORY PROVISION OF MEDICAL SERVICES, IN ACCORDANCE WITH REGULATORY
11 STANDARDS PROMULGATED BY THE DEPARTMENT, IN CONSULTATION WITH THE
12 DEPARTMENT OF HEALTH. THE DEPARTMENT SHALL ALSO CONSULT WITH ORGANIZA-
13 TIONS REPRESENTATIVE OF PROFESSIONS, INSTITUTIONS AND THOSE WITH EXPER-
14 TISE IN CULTURAL AWARENESS AND COMPETENCE WITH RESPECT TO THE REGULATORY
15 STANDARDS PROMULGATED PURSUANT TO THIS SECTION.
16 2. EACH SUCH PROFESSIONAL SHALL DOCUMENT TO THE DEPARTMENT AT THE TIME
17 OF REGISTRATION COMMENCING WITH THE FIRST REGISTRATION AFTER JULY FIRST,
18 TWO THOUSAND THIRTEEN THAT THE PROFESSIONAL HAS COMPLETED COURSE WORK OR

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

LBD02579-04-1

1 TRAINING IN ACCORDANCE WITH THIS SECTION, PROVIDED, HOWEVER, THAT A
2 PROFESSIONAL SUBJECT TO THE PROVISIONS OF PARAGRAPH (F) OF SUBDIVISION
3 ONE OF SECTION TWENTY-EIGHT HUNDRED FIVE-K OF THE PUBLIC HEALTH LAW
4 SHALL NOT BE REQUIRED TO SO DOCUMENT.

5 3. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO
6 ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO (I) CLEARLY DEMONSTRATES
7 TO THE DEPARTMENT'S SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR
8 HER TO COMPLETE SUCH COURSE WORK OR TRAINING BECAUSE OF THE NATURE OF
9 HIS OR HER PRACTICE OR (II) THAT HE OR SHE HAS COMPLETED COURSE WORK OR
10 TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE COURSE WORK OR
11 TRAINING APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

12 S 2. Paragraph (f) of subdivision 1 of section 2805-k of the public
13 health law, as amended by chapter 477 of the laws of 2008, is amended to
14 read as follows:

15 (f) Documentation that the physician, dentist or podiatrist has
16 completed the course work or training as mandated by section two hundred
17 thirty-nine of this chapter or section six thousand five hundred five-b
18 of the education law OR SECTION SIX THOUSAND FIVE HUNDRED FIVE-D OF THE
19 EDUCATION LAW. A hospital or facility shall not grant or renew profes-
20 sional privileges or association to a physician, dentist, or podiatrist
21 who has not completed such course work or training.

22 S 3. Section 206 of the public health law is amended by adding a new
23 subdivision 29 to read as follows:

24 29. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO DEVELOP AND IMPL-
25 MENT A STATEWIDE, COMMUNITY-BASED PUBLIC HEALTH EDUCATION PROGRAM TO
26 REDUCE THE ROOT CAUSES OF DISPARITIES IN MINORITY HEALTH CARE. SUCH
27 EDUCATION PROGRAM SHALL BE AIMED AT HEALTH CARE PROFESSIONALS, PATIENTS
28 AND PATIENT ADVOCATES. THE COMMISSIONER AND THE DEPARTMENT MAY CONSULT
29 WITH THE APPROPRIATE PROFESSIONALS IN DEVELOPING AND IMPLEMENTING SUCH A
30 PROGRAM. THE COMMISSIONER SHALL ADMINISTER ANY STATE FUNDS APPROPRIATED
31 FOR SUCH HEALTH EDUCATION PROGRAM.

32 S 4. The sum of one hundred thousand dollars (\$100,000), or so much
33 thereof as may be necessary, is hereby appropriated to the department of
34 health out of any moneys in the state treasury in the general fund to
35 the credit of the state purposes account, not otherwise appropriated,
36 and made immediately available, for such purpose of carrying out the
37 provisions of section three of this act. Such moneys shall be payable on
38 the audit and warrant of the comptroller on vouchers certified or
39 approved by the commissioner of health, or his or her duly designated
40 representative in the manner prescribed by law. No expenditure shall be
41 made from this appropriation until a certificate of approval of avail-
42 ability shall have been issued by the director of the budget and filed
43 with the state comptroller and a copy filed with the chairman of the
44 senate finance committee and the chairman of the assembly ways and means
45 committee. Such certificate may be amended from time to time by the
46 director of the budget and a copy of each such amendment shall be filed
47 with the state comptroller, the chairman of the senate finance committee
48 and the chairman of the assembly ways and means committee.

49 S 5. This act shall take effect immediately.