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

2318

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the education law, in relation to imposing certain education requirements upon physicians as a condition for renewal of their professional license; to amend the public health law, in relation to directing the commissioner of health to develop and offer a course in medical risk management as part of such requirement; and making an appropriation therefor

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

Section 1. Section 6524 of the education law is amended by adding a new subdivision 2-a to read as follows:

(2-A) RISK MANAGEMENT AND CONTINUING EDUCATION: (A) ON AND AFTER NOVEMBER FIRST, TWO THOUSAND ELEVEN, EVERY RENEWAL OF A PHYSICIAN'S LICENSE SHALL BE CONDITIONED UPON THE LICENSEE OBTAINING AND SUBMITTING TO THE BOARD PROOF THAT, WITHIN THE THREE YEAR PERIOD IMMEDIATELY PRECEDING SUCH RENEWAL PERIOD, HE OR SHE HAS ATTENDED AND SUCCESSFULLY COMPLETED A COURSE OR COURSES OF CONTINUING EDUCATION IN PROFESSIONAL MEDICAL COMPETENCY APPROVED BY THE BOARD AS TO METHOD, CONTENT AND SUPERVISION. SUCH COURSE OR COURSES SHALL CONSIST OF AT LEAST SIXTY HOURS OF CLASSROOM INSTRUCTION, FIVE HOURS OF WHICH SHALL BE DEDICATED TO MEDICAL RISK MANAGEMENT AS DEVELOPED BY THE DEPARTMENT OF HEALTH PURSUANT TO SUBDIVISION TWENTY-EIGHT OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW. IN ESTABLISHING THE REQUIREMENTS FOR THE CONTINUING EDUCATION COURSE OR COURSES, OTHER THAN FOR MEDICAL RISK MANAGEMENT, THE BOARD SHALL CONSIDER AND MAY PERMIT EQUIVALENT NATIONAL OR STATE EDUCATIONAL COURSES OF INSTRUCTION INCLUDING BUT NOT LIMITED TO THOSE OFFERED BY A MEDICAL SOCIETY, MEDICAL SPECIALTY BOARD OR THE DEPARTMENT OF HEALTH. EACH COURSE SHALL, HOWEVER, BE PRESENTED IN AN APPROPRIATE CLASSROOM SETTING, HAVE AN ESTABLISHED CURRICULUM AND PROPERLY PREPARED WRITTEN MATERIALS OF THE SUBJECT MATTER WHICH SHALL BE DISTRIBUTED AS

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

LBD06828-01-1

PART OF THE COURSE AND BE TAUGHT BY A QUALIFIED FACULTY. CREDIT SHALL BE AWARDED ON THE BASIS OF ONE HOUR FOR EACH SIXTY MINUTES OF ACTUAL ATTENDANCE AND RECORDS SHALL BE MAINTAINED OF ATTENDANCE AT EACH SESSION WHICH SHALL BE TRANSMITTED TO THE BOARD AT THE CONCLUSION OF THE COURSE;

(B) ON AND AFTER NOVEMBER FIRST, TWO THOUSAND ELEVEN NO PHYSICIAN SHALL BE INITIALLY LICENSED UNLESS HE OR SHE HAS SUCCESSFULLY COMPLETED A COURSE IN MEDICAL RISK MANAGEMENT, EITHER AS PART OF HIS OR HER MEDICAL SCHOOL EDUCATION OR AS DEVELOPED BY THE DEPARTMENT OF HEALTH PURSUANT TO SUBDIVISION TWENTY-EIGHT OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW;

S 2. Section 206 of the public health law is amended by adding a new subdivision 28 to read as follows:

28. THE COMMISSIONER, WITH THE COOPERATION OF THE STATE BOARD FOR MEDICINE SHALL DEVELOP A COURSE OF INSTRUCTION IN MEDICAL RISK MANAGEMENT TO BE PROVIDED TO STUDENTS IN MEDICAL SCHOOL AND TO PHYSICIANS AS PART OF LICENSING REQUIREMENTS PURSUANT TO SUBDIVISION TWO-A OF SECTION SIXTY-FIVE HUNDRED TWENTY-FOUR OF THE EDUCATION LAW.

S 3. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated to the department of health from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for services and expenses of the department of health for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of health, or his or her duly designated representative in the manner provided by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

S 4. This act shall take effect immediately.