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

3525

2011-2012 Regular Sessions

I N S E N A T E

February 24, 2011

Introduced by Sen. HANNON -- 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 health care practitioner volunteer pilot programs

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

Section 1. Title V of article 2 of the public health law, as added by chapter 337 of the laws of 2002, section 260 as amended by chapter 84 of the laws of 2006, subdivisions 5 and 6 of section 260 as amended by chapter 225 of the laws of 2008, is amended to read as follows:

TITLE V

HEALTH CARE PRACTITIONER VOLUNTEER PILOT [PROGRAM] PROGRAMS

Section 260. Health care practitioner volunteer [program] PROGRAMS.

S 260. Health care practitioner volunteer [program] PROGRAMS. 1. There [is] ARE hereby established in the department [a] health care practitioner volunteer [program] PROGRAMS to implement a system by which eligible health care practitioner volunteers and other volunteers may provide free basic primary health care services to uninsured low income individuals.

2. The commissioner is authorized and directed to promulgate such rules and regulations as are necessary to implement the provisions of this title. Such rules and regulations shall enable the health care practitioner volunteer [program] PROGRAMS approved [hereunder] PURSUANT TO THIS TITLE to:

(a) provide free basic primary health care services primarily to uninsured low income individuals;

(b) integrate the delivery of such services with the delivery of health care and other supportive services to the target population by other providers in the community; and

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

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(c) meet standards of care which are appropriate to the level and nature of health care services to be provided.

3. A health care practitioner is eligible to participate as a health care practitioner volunteer under this title if he or she:

(a) is licensed, or exempt from licensure, pursuant to articles one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred thirty-three, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-nine, one hundred forty, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, one hundred fifty-six, one hundred fifty-seven, one hundred fifty-nine, one hundred sixty, one hundred sixty-two, or one hundred sixty-four of the education law;

(b) has agreed to practice in a health care practitioner volunteer program without compensation or the expectation of compensation. For the purposes of this paragraph, the following shall not be considered compensation: (i) nominal payment solely to enable the health care practitioner to be considered an employee of an entity operating and administering [the] A health care practitioner volunteer program established pursuant to this title; or (ii) the provision of medical liability insurance coverage to the health care practitioner pursuant to the requirements of this title;

(c) is well qualified and intends to serve as a volunteer in the practice or specialty area in which he or she is licensed and primarily practices, or practiced prior to retirement, or is licensed and demonstrably qualified to practice through training, retraining, or continuing education; and

(d) is not subject to any limitations on practice as the result of findings or action by, or any agreement with, any licensing or professional conduct agency or board, or any court or regulatory agency.

4. No health care practitioner volunteer shall participate in [the] A health care practitioner volunteer program established pursuant to this title unless, with respect to acts and omissions that occurred or allegedly occurred within the scope of his or her participation in such program, he or she is covered by an adequate professional liability insurance policy.

5. The commissioner shall, upon submission of satisfactory evidence of compliance with the provisions of this title, approve [one or more] health care practitioner volunteer programs to be located in and to serve [a specified service area] THE COUNTIES OF NASSAU AND SCHENECTADY. Such program shall:

(a) be operated and administered by a not-for-profit entity licensed under article twenty-eight of this chapter, provided, however, that nothing [contained herein] IN THIS PARAGRAPH shall preclude a facility otherwise licensed under this chapter or under the mental hygiene law from utilizing the services of health care practitioner volunteers for the provision of free health care services pursuant to such licensure; and

(b) have procedures to screen participating health care practitioner volunteers to ensure that they meet the requirements of subdivision three of this section.

6. (a) Each program shall report annually to the commissioner on the progress of the program. The report shall include a profile of participating health care practitioner volunteers, the number of persons served, a description of the activities of the program, an outline of the program's continuing or projected activities, a description of the

impact of the program on the community, and an estimate of the value of volunteer services provided.

(b) On or before June first of each year, the commissioner shall report to the governor, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, and the chairs of the senate and assembly committees on health on findings, conclusions, and recommendations on the implementation of the provisions of this title.

7. Notwithstanding any inconsistent provision of law to the contrary, the commissioner is authorized to waive, modify or suspend the provisions of rules and regulations promulgated pursuant to article twenty-eight of this chapter if the commissioner determines that such waiver, modification or suspension is necessary for the successful implementing of the health care practitioner volunteer [program] PROGRAMS authorized pursuant to this section and provided that the commissioner determines that the health, safety and general welfare of people receiving health care under such health care practitioner volunteer [program] PROGRAMS will not be impaired as a result of such waiver, modification or suspension.

S 2. This act shall take effect immediately.