

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

4991

2011-2012 Regular Sessions

I N S E N A T E

May 2, 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 establishing the clinical information resource access program

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

1 Section 1. Subdivision 1 of section 201 of the public health law is
2 amended by adding two new paragraphs (k-1) and (k-2) to read as follows:
3 (K-1) COORDINATE CLINICAL APPLICATIONS WITHIN NEW YORK STATE TO AVOID
4 UNNECESSARY DUPLICATION OF EFFORT, RESOURCES AND FACILITIES;
5 (K-2) ENCOURAGE EDUCATION AND TRAINING IN THE AREA OF CLINICAL APPLI-
6 CATIONS INCLUDING, BUT NOT LIMITED TO, THE ACQUISITION, LICENSING AND
7 DISSEMINATION OF PRINT AND ELECTRONIC RESOURCES;
8 S 2. The public health law is amended by adding a new section 207-a
9 to read as follows:
10 S 207-A. CLINICAL INFORMATION RESOURCE INFORMATION ACCESS PROGRAM.
11 1. THE DEPARTMENT, IN CONSULTATION AND COOPERATION WITH THE BOARD OF
12 REGENTS AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY, SHALL ENTER
13 INTO CONTRACTS AND GRANT LICENSES FOR THE PROVISION TO INSTITUTIONS AND
14 FACILITIES, ELECTING TO PARTICIPATE PURSUANT TO SUBDIVISION TWO OF THIS
15 SECTION OF ELECTRONIC AND PRINT RESOURCES ON MEDICAL INFORMATION RELATED
16 TO CLINICAL PRACTICE INCLUDING, BUT NOT LIMITED TO, ACADEMIC, PROFES-
17 SIONAL AND BUSINESS JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH
18 TRACKING TOOLS, INDICES, AND ABSTRACTS. ALL COSTS OF SUCH CONTRACTS AND
19 LICENSES SHALL BE BORNE BY THE INSTITUTIONS AND FACILITIES, ELECTING TO
20 PARTICIPATE PURSUANT TO SUBDIVISION TWO OF THIS SECTION, ON A PRO-RATA
21 BASIS AS SHALL BE DETERMINED BY THE DEPARTMENT. EACH PARTICIPATING
22 INSTITUTION AND FACILITY SHALL PAY ITS PRO-RATA SHARE TO THE DEPARTMENT
23 AT SUCH TIMES AS SHALL BE DETERMINED TO BE NECESSARY BY THE STATE COMP-
24 TROLLER.

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

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

20 3. A. THE DEPARTMENT SHALL ESTABLISH AN ADVISORY BOARD FOR THE PURPOSE
21 OF DESIGNATING MEDICAL LIBRARIES ELIGIBLE TO BE PARTICIPATING INSTI-
22 TUTIONS AND FACILITIES, AND MAKING RECOMMENDATIONS TO THE DEPARTMENT
23 RELATING TO THE SELECTION, PROCUREMENT AND MAINTENANCE OF MEDICAL INFOR-
24 MATION RESOURCES PURSUANT TO THIS SECTION. THE ADVISORY BOARD SHALL BE
25 COMPOSED OF TEN MEMBERS APPOINTED BY THE COMMISSIONER AS FOLLOWS: ONE
26 REPRESENTATIVE OF ACADEMIC AND RESEARCH LIBRARIES OF SMALL INSTITUTIONS
27 OF HIGHER EDUCATION; ONE REPRESENTATIVE OF ACADEMIC AND RESEARCH
28 LIBRARIES OF MEDIUM INSTITUTIONS OF HIGHER EDUCATION; ONE REPRESENTATIVE
29 OF ACADEMIC AND RESEARCH LIBRARIES OF LARGE INSTITUTIONS OF HIGHER
30 EDUCATION; ONE REPRESENTATIVE OF MEDICAL SCHOOL LIBRARIES; ONE REPRESENT-
31 TATIVE OF COMMUNITY HOSPITALS; ONE REPRESENTATIVE OF PUBLIC HEALTH
32 ORGANIZATIONS; ONE REPRESENTATIVE OF FEDERALLY QUALIFIED HEALTH CLINICS;
33 AND THREE AT LARGE MEMBERS. THE MEMBERS OF THE ADVISORY BOARD SHALL BE
34 BROADLY REPRESENTATIVE OF THE GEOGRAPHIC AREAS OF THE STATE. THE ADVI-
35 SORY BOARD SHALL ELECT ITS CHAIR FROM AMONGST ITS MEMBERSHIP.

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

39 C. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION FOR
40 THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
41 INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SUBDIVI-
42 SION.

43 S 3. This act shall take effect immediately.