

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

4991--B

Cal. No. 598

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. HANNON, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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) PURSUANT TO SECTION TWO HUNDRED SEVEN-A OF THIS TITLE, COORDI-
4 NATE CLINICAL INFORMATION RESOURCES WITHIN NEW YORK STATE TO AVOID
5 UNNECESSARY DUPLICATION OF EFFORT, RESOURCES AND FACILITIES;
6 (K-2) PURSUANT TO SECTION TWO HUNDRED SEVEN-A OF THIS TITLE, ENCOURAGE
7 EDUCATION AND TRAINING IN THE AREA OF CLINICAL INFORMATION RESOURCES
8 INCLUDING, BUT NOT LIMITED TO, THE ACQUISITION, LICENSING AND DISSEM-
9 INATION OF PRINT AND ELECTRONIC RESOURCES;
10 S 2. The public health law is amended by adding a new section 207-a
11 to read as follows:
12 S 207-A. CLINICAL INFORMATION RESOURCE ACCESS PROGRAM. 1. THE
13 DEPARTMENT, IN CONSULTATION AND COOPERATION WITH THE BOARD OF REGENTS
14 AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY, SHALL ENTER INTO
15 CONTRACTS AND GRANT LICENSES FOR THE PROVISION TO INSTITUTIONS AND
16 FACILITIES, ELECTING TO PARTICIPATE PURSUANT TO SUBDIVISION TWO OF THIS
17 SECTION OF ELECTRONIC AND PRINT RESOURCES ON MEDICAL INFORMATION RELATED
18 TO CLINICAL PRACTICE INCLUDING, BUT NOT LIMITED TO, ACADEMIC, PROFES-
19 SIONAL AND BUSINESS JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH
20 TRACKING TOOLS, INDICES, AND ABSTRACTS. ALL COSTS OF SUCH CONTRACTS AND
21 LICENSES SHALL BE BORNE BY THE INSTITUTIONS AND FACILITIES, ELECTING TO

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

LBD11032-04-1

1 PARTICIPATE PURSUANT TO SUBDIVISION TWO OF THIS SECTION, ON A PRO-RATA
2 BASIS AS SHALL BE DETERMINED BY THE DEPARTMENT. EACH PARTICIPATING
3 INSTITUTION AND FACILITY SHALL PAY ITS PRO-RATA SHARE TO THE DEPARTMENT
4 AT SUCH TIMES AS SHALL BE DETERMINED TO BE NECESSARY BY THE STATE COMP-
5 TROLLER.

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

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

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

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

48 S 3. This act shall take effect immediately.