7329

IN SENATE

May 2, 2012

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 clinical education in pain management and palliative care

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

Section 1. The public health law is amended by adding a new article 28-F to read as follows:

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ARTICLE 28-F

PAIN MANAGEMENT AND PALLIATIVE CARE

SECTION 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT AND PALLIATIVE CARE. S 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT AND PALLIATIVE CARE. 1. EVERY HEALTH CARE PROFESSIONAL PRACTICING IN THE STATE SHALL, EVERY FOUR COMPLETE COURSE WORK OR TRAINING REGARDING PAIN MANAGEMENT AND PALLIATIVE CARE, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE SIONER IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION; AND SO DOCU-AS USED IN THIS MENT COMPLETION TO THE DEPARTMENT. SECTION, CARE PROFESSIONAL" MEANS A PERSON LICENSED, REGISTERED OR CERTIFIED TO PRACTICE A HEALTH CARE PROFESSION UNDER TITLE EIGHT OF THE EDUCATION LAW THAT IS DESIGNATED BY REGULATION OF THE COMMISSIONER UNDER THIS SECTION. THE COMMISSIONER SHALL, BY REGULATION, DESIGNATE AREAS OF PRACTICE SPECIALTY WITHIN A PROFESSION THAT ARE EXEMPT FROM THIS SECTION.

- 2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT:
- (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK OR TRAINING BECAUSE OF THE NATURE, AREA OR SPECIALTY OF HIS OR HER PRACTICE, OR
- (B) HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING APPROVED BY THE DEPARTMENT UNDER THIS SECTION.
- 3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION,

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

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OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED TO: PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER PREVENTING, IDENTIFYING, AND RESPONDING TO ABUSE OF AND ADDICTION TO 5 PRESCRIPTION DRUGS; ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES 6 END-OF-LIFE CARE; ACUPUNCTURE TREATMENT; ADVANCED CARE PLANNING AND 7 CLINICAL COMMUNICATION SKILLS. THE COMMISSIONER SHALL CONSULT WITH 8 ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE PRACTITIONERS, INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT, INCLUDING EXPERTISE IN THE 9 10 ACUPUNCTURE FIELD, AND PALLIATIVE CARE WITH RESPECT TO THE STANDARDS AND REGULATIONS PROMULGATED UNDER THIS SECTION. 11

- 4. THE COMMISSIONER, IN DEVELOPING, REVIEWING AND IMPLEMENTING REGULATIONS AND STANDARDS UNDER THIS SECTION, AND THE COMMISSIONER OF EDUCATION, SHALL CONSULT THE NEW YORK STATE PALLIATIVE CARE EDUCATION AND TRAINING COUNCIL CREATED BY SECTION TWENTY-EIGHT HUNDRED SEVEN-N OF THIS CHAPTER.
- 17 S 2. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on 20 its effective date is authorized to be made and completed on or before 21 such effective date.