

2692

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

Introduced by M. of A. GOTTFRIED, ORTIZ -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, CYMBROWITZ, DINOWITZ, GALEF, HIKIND, HOOPER, JACOBS, PAULIN, RIVERA, ROBINSON, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing the commissioner of health to develop and administer training programs for coroners, coroners' physicians and medical examiners

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

1 Section 1. The public health law is amended by adding a new section
2 4223 to read as follows:
3 S 4223. CORONER, CORONER'S PHYSICIAN, MEDICAL EXAMINER; REGULATIONS.
4 1. THE COMMISSIONER SHALL DEVELOP AND ADMINISTER TRAINING PROGRAMS FOR
5 CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS.
6 2. THE COMMISSIONER SHALL MAKE REGULATIONS APPLICABLE TO CORONERS,
7 CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS, INCLUDING BUT NOT LIMITED
8 TO:
9 (A) MINIMUM QUALIFICATIONS FOR CORONERS, CORONERS' PHYSICIANS, AND
10 MEDICAL EXAMINERS.
11 (B) MINIMUM TRAINING AND CONTINUING EDUCATION REQUIREMENTS FOR CORON-
12 ERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS.
13 (C) PROCEDURES AND STANDARDS FOR PRONOUNCING DEATHS.
14 (D) PROCEDURES AND STANDARDS FOR INVESTIGATING DEATHS.
15 (E) ANY OTHER PROVISIONS NECESSARY TO ENSURE APPROPRIATE PERFORMANCE
16 OF THE DUTIES OF CORONERS, CORONERS' PHYSICIANS, AND MEDICAL EXAMINERS
17 AND TO CARRY OUT THE PROVISIONS OF THIS CHAPTER.
18 3. REGULATIONS UNDER THIS SECTION SHALL APPLY TO CORONERS, CORONERS'
19 PHYSICIANS, AND MEDICAL EXAMINERS IN ADDITION TO THE PROVISIONS OF ANY
20 OTHER LAW, LOCAL LAW OR REGULATION.
21 4. (A) AT LEAST THREE MONTHS BEFORE FORMALLY PROPOSING TO MAKE ANY
22 REGULATION UNDER THIS ARTICLE, THE COMMISSIONER, IN ACCORDANCE WITH THE

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

LBD01434-01-3

1 PROVISIONS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL SEND A COPY
2 OF THE PROPOSED REGULATION TO THE CHIEF EXECUTIVE AND PRESIDING OFFICER
3 OF THE LEGISLATIVE BODY OF EVERY COUNTY AND THE CITY OF NEW YORK, AND TO
4 EVERY LOCAL HEALTH OFFICER, WITH A NOTICE (I) REQUESTING COMMENT ON THE
5 PROPOSED REGULATION, ESPECIALLY WITH RESPECT TO ANY CONFLICT WITH ANY
6 LAW, LOCAL LAW, REGULATION, OR PRACTICE; AND (II) STATING THE PROCEDURE
7 AND TIMETABLE FOR ADOPTION OF THE PROPOSED REGULATION.

8 (B) THE COMMISSIONER MAY MODIFY THE PROPOSED REGULATION, OR MAKE REGU-
9 LATIONS, UNDER THIS SECTION TO ACCOMMODATE ANY LAW, LOCAL LAW, REGU-
10 LATION OR PRACTICE OF A PARTICULAR COUNTY OR COUNTIES OR THE CITY OF NEW
11 YORK.

12 (C) IN THE CASE OF AN EMERGENCY RULEMAKING UNDER SUBDIVISION SIX OF
13 SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT, THE
14 THREE MONTH PRIOR NOTIFICATION REQUIREMENT UNDER PARAGRAPH (A) OF THIS
15 SUBDIVISION SHALL NOT APPLY, BUT A COPY OF THE REGULATION AND NOTICE, AS
16 TO CONSIDERATION OF THE REGULATION IN ACCORDANCE WITH THE PROVISIONS OF
17 THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL BE IMMEDIATELY SENT TO THE
18 OFFICERS REFERRED TO IN PARAGRAPH (A) OF THIS SUBDIVISION, WITH A NOTICE
19 (I) REQUESTING COMMENT ON THE REGULATION, ESPECIALLY WITH RESPECT TO ANY
20 CONFLICT WITH ANY LAW, LOCAL LAW, REGULATION, OR PRACTICE, AND (II)
21 STATING THE PROCEDURE AND TIMETABLE FOR FURTHER CONSIDERATION OF THE
22 REGULATION UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT.

23 S 2. This act shall take effect immediately.