

2947

2013-2014 Regular Sessions

I N   S E N A T E

January 25, 2013

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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:

1     Section 1. The public health law is amended by adding a new article  
2     28-F to read as follows:

3     ARTICLE 28-F

4     PAIN MANAGEMENT AND PALLIATIVE CARE

5     SECTION 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT AND PALLIATIVE CARE.

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

18    2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO  
19    ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO DEMONSTRATES TO THE  
20    DEPARTMENT'S SATISFACTION THAT:

21        (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK  
22        OR TRAINING BECAUSE OF THE NATURE, AREA OR SPECIALTY OF HIS OR HER PRAC-  
23        TICE, OR

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

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1 (B) HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE  
2 DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING  
3 APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

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

17 4. THE COMMISSIONER, IN DEVELOPING, REVIEWING AND IMPLEMENTING REGU-  
18 LATIONS AND STANDARDS UNDER THIS SECTION, AND THE COMMISSIONER OF EDUCA-  
19 TION, SHALL CONSULT THE NEW YORK STATE PALLIATIVE CARE EDUCATION AND  
20 TRAINING COUNCIL CREATED BY SECTION TWENTY-EIGHT HUNDRED SEVEN-N OF THIS  
21 CHAPTER.

22 S 2. This act shall take effect one year after it shall have become a  
23 law. Effective immediately, the addition, amendment and/or repeal of  
24 any rule or regulation necessary for the implementation of this act on  
25 its effective date is authorized to be made and completed on or before  
26 such effective date.