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I N   S E N A T E

March 7, 2014

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to maintenance of licensure for prescribers of controlled substances

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

1     Section 1. The education law is amended by adding a new section 6505-d  
2     to read as follows:

3     S 6505-D. COURSEWORK OR TRAINING FOR MAINTENANCE OF PROFESSIONAL  
4     LICENSURE. 1. IN ORDER TO MAINTAIN HIS OR HER PROFESSIONAL LICENSE,  
5     EVERY PRESCRIBER SHALL COMPLETE THE COURSEWORK OR TRAINING DESCRIBED IN  
6     THIS SECTION RELATING TO THE TREATMENT AND MANAGEMENT OF PATIENTS TO  
7     WHOM CONTROLLED SUBSTANCES ARE PRESCRIBED. FOR THE PURPOSES OF THIS  
8     SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

9     (A) "PRESCRIBER" SHALL MEAN ANY PRACTITIONER THAT IS (I) AUTHORIZED TO  
10    PRESCRIBE CONTROLLED SUBSTANCES TO A HUMAN PATIENT PURSUANT TO HIS OR  
11    HER LICENSED PROFESSIONAL PRACTICE, AND (II) REGISTERED UNDER THE FEDER-  
12    AL CONTROLLED SUBSTANCES ACT AND IN POSSESSION OF A REGISTRATION NUMBER  
13    FROM THE DRUG ENFORCEMENT ADMINISTRATION, UNITED STATES DEPARTMENT OF  
14    JUSTICE, OR ITS SUCCESSOR AGENCY.

15    (B) "HIGH VOLUME PRESCRIBER" SHALL MEAN A PRESCRIBER THAT (I) HAS  
16    THIRTY OR MORE PATIENTS BEING TREATED FOR CHRONIC PAIN FOR WHOM ANY DOSE  
17    OF AN OPIOID HAS BEEN PRESCRIBED FOR NINETY OR MORE CONTINUOUS DAYS,  
18    AND/OR (II) HAS AT LEAST ONE PATIENT FOR WHOM A DAILY DOSE OF AT LEAST  
19    ONE HUNDRED MILLIGRAMS OF MORPHINE OR ITS EQUIVALENT WAS PRESCRIBED  
20    WITHIN THE PAST TWELVE MONTHS.

21    2. (A) WITHIN AVAILABLE APPROPRIATIONS OR FROM OTHER FUNDS APPROPRI-  
22    ATED FOR THE PURPOSES OF THIS SECTION, THE OFFICE OF THE PROFESSIONS, IN  
23    CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE OFFICE OF ALCOHOLISM  
24    AND SUBSTANCE ABUSE SERVICES, SHALL ESTABLISH AN EXPERT-LEVEL WORK GROUP  
25    TO DEVELOP CONTENT AREAS, EVIDENCE-BASED CURRICULA, AND OUTCOMES MEAS-  
26    UREMENT METHODS FOR COURSEWORK OR TRAINING RELATING TO THE TREATMENT AND  
27    MANAGEMENT OF PATIENTS TO WHOM CONTROLLED SUBSTANCES ARE PRESCRIBED.  
28    SUCH WORK GROUP SHALL BE COMPOSED OF NO LESS THAN SEVEN INDIVIDUALS AND

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

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1 SHALL CONSIST OF PRACTICING PHYSICIANS OR OTHER PRESCRIBERS, PHARMA-  
2 CISTS, ADDICTION MEDICINE EXPERTS, EXPERTS IN MEDICAL EDUCATION AND  
3 DELIVERY OF EDUCATIONAL PROGRAMS, AND AT LEAST ONE PARENT OR OTHER ADVO-  
4 CATE FOR CHILDREN WITH ADDICTION. THE MEMBERS OF THE WORK GROUP SHALL  
5 NOT HAVE ANY DIRECT RELATIONSHIP TO ANY PHARMACEUTICAL COMPANY OR ANY  
6 ORGANIZATION REPRESENTING THE INTERESTS OF PHARMACEUTICAL COMPANIES. THE  
7 MEMBERS OF THE WORK GROUP SHALL BE SELECTED WITHIN ONE HUNDRED EIGHTY  
8 DAYS OF THE EFFECTIVE DATE OF THIS SECTION. MEMBERS OF THE WORK GROUP  
9 SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED  
10 ACTUAL AND NECESSARY EXPENSES IN THE PERFORMANCE OF THEIR DUTIES PURSU-  
11 ANT TO THIS SECTION.

12 (B) THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP MAY  
13 INCLUDE, BUT NOT BE LIMITED TO, INSTRUCTION IN THE FOLLOWING SUBJECT  
14 AREAS: (I) REQUIREMENTS OF THE INTERNET SYSTEM FOR TRACKING OVER  
15 PRESCRIBING (I-STOP) ACT; (II) FEDERAL DRUG ENFORCEMENT AGENCY REQUIRE-  
16 MENTS RELATING TO PRESCRIBING CONTROLLED SUBSTANCES; (III) MANAGING  
17 ACUTE PAIN; (IV) MANAGING ADDICTION INCLUDING BUT NOT LIMITED TO  
18 PREVENTION, SCREENING AND INTERVENTION FOR AT-RISK BEHAVIOR, IDENTIFICA-  
19 TION OF ADDICTION, AND TREATMENT REFERRALS; (V) OPIOID AND NON-OPIOID  
20 PAIN MANAGEMENT; (VI) DOSING AND MONITORING FOR ALL PRESCRIPTION DRUGS;  
21 (VII) PRESCRIBING GUIDELINES FOR ALL PRESCRIPTION DRUGS; AND (VIII)  
22 SPECIALTY CARE REFERRALS FOR PAIN, MENTAL HEALTH AND SUBSTANCE ABUSE  
23 DISORDERS. IN DEVELOPING THE CONTENT AREAS, CURRICULA, AND OUTCOMES  
24 MEASUREMENT METHODS FOR SUCH COURSEWORK OR TRAINING, THE WORK GROUP MAY  
25 ALSO INCLUDE INSTRUCTION SUBSTANTIALLY SIMILAR TO THE COURSES DESCRIBED  
26 IN THE FEDERAL DRUG ADDICTION TREATMENT ACT OF 2000 RELATING TO THE  
27 TREATMENT AND MANAGEMENT OF OPIOID-ADDICTED PATIENTS. THE WORK GROUP  
28 SHALL, TO THE MAXIMUM EXTENT PRACTICABLE, DEVELOP THE COURSEWORK OR  
29 TRAINING IN SUCH A MANNER THAT IT SHALL QUALIFY FOR CREDIT IN CONNECTION  
30 WITH EXISTING CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR PRESCRIBERS.  
31 THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP MAY BE STRUCTURED  
32 AS ONE COURSE OR AS MULTIPLE COURSES. THE WORK GROUP SHALL COMPLETE THE  
33 DEVELOPMENT OF THE CONTENT AREAS, CURRICULA, AND OUTCOMES MEASUREMENTS  
34 METHODS WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

35 (C) UPON COMPLETION OF THE DEVELOPMENT OF THE COURSEWORK OR TRAINING,  
36 THE OFFICE OF THE PROFESSIONS SHALL TAKE ACTIONS NECESSARY TO OBTAIN  
37 ACCREDITATION OF SUCH COURSEWORK OR TRAINING BY THE ACCREDITATION COUN-  
38 CIL FOR CONTINUING MEDICAL EDUCATION OR ITS DESIGNEES. THE OFFICE OF THE  
39 PROFESSIONS MAY TAKE SUCH ACTIONS FOR ACCREDITATION ON ITS OWN OR IN  
40 COLLABORATION WITH ONE OR MORE STATEWIDE MEDICAL ASSOCIATIONS, SPECIALTY  
41 MEDICAL BOARDS, AND/OR STATE UNIVERSITY MEDICAL SCHOOLS.

42 3. THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP MAY BE  
43 PROVIDED BY: (A) THE DEPARTMENT; (B) THE DEPARTMENT IN COLLABORATION  
44 WITH ONE OR MORE STATEWIDE MEDICAL ASSOCIATIONS, SPECIALTY MEDICAL  
45 BOARDS, AND/OR STATE UNIVERSITY MEDICAL SCHOOLS; AND/OR (C) ANY ORGAN-  
46 IZATION THAT THE COMMISSIONER DETERMINES TO BE APPROPRIATE FOR THE  
47 PURPOSES OF THIS SECTION. SUCH COURSEWORK OR TRAINING MAY BE OFFERED IN  
48 A CLASSROOM SETTING, THROUGH INTERNET-BASED INSTRUCTION, OR OTHERWISE,  
49 AS APPROVED BY THE COMMISSIONER.

50 4. (A) IN ORDER TO SATISFY THE MAINTENANCE OF LICENSURE REQUIREMENTS  
51 SET FORTH IN THIS SECTION, A PRESCRIBER SHALL COMPLETE AT LEAST THREE  
52 HOURS OF COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP WHICH MUST  
53 INCLUDE, AMONG OTHER THINGS, INSTRUCTION ON PRESCRIPTION DRUG ADDICTION;  
54 PROVIDED HOWEVER, THAT A HIGH VOLUME PRESCRIBER SHALL COMPLETE AT LEAST  
55 EIGHT HOURS OF COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP WHICH  
56 MUST INCLUDE, AMONG OTHER THINGS, INSTRUCTION ON THE USE OF OPIOIDS FOR

1 THE MANAGEMENT OF CHRONIC PAIN. EACH PRESCRIBER AND HIGH VOLUME PRESCRI-  
2 BER SHALL COMPLETE SUCH COURSEWORK PRIOR TO HIS OR HER NEXT REGISTRATION  
3 OR RE-REGISTRATION, BUT IN NO EVENT SHALL SUCH COURSEWORK OR TRAINING BE  
4 TAKEN LESS THAN ONCE EVERY FIVE YEARS. DOCUMENTATION OF COURSE  
5 COMPLETION SHALL BE PROVIDED TO THE DEPARTMENT BY A PRESCRIBER OR HIGH  
6 VOLUME PRESCRIBER IN ORDER TO MAINTAIN HIS OR HER PROFESSIONAL LICENSE.

7 (B) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH,  
8 SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF THIS SECTION TO ANY  
9 PRESCRIBER WHO REQUESTS SUCH AN EXEMPTION AND WHO SHOWS, TO THE DEPART-  
10 MENT'S SATISFACTION, THAT SUCH PRESCRIBER IS NOT SUBJECT TO THE REQUIRE-  
11 MENTS OF THIS SECTION. THE DEPARTMENT MAY, IN CONSULTATION WITH THE  
12 DEPARTMENT OF HEALTH, PROVIDE AN EXEMPTION TO OTHER PRESCRIBERS THAT  
13 DEMONSTRATE TO THE DEPARTMENT'S SATISFACTION THAT SUCH PRESCRIBER'S USE  
14 OF CONTROLLED SUBSTANCES IS LIMITED EXCLUSIVELY TO USE IN AN OPERATING  
15 ROOM OR TO USE IN OTHER SUBSTANTIALLY SIMILAR CIRCUMSTANCES.

16 5. THE MAINTENANCE OF LICENSURE REQUIREMENTS SET FORTH IN THIS SECTION  
17 MAY ALSO BE SATISFIED BY COMPLETION OF A COURSE OR COURSES SIMILAR TO  
18 THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP PROVIDED THAT  
19 SUCH COURSE OR COURSES: (A) ARE PROVIDED BY A MEMBER BOARD OF THE AMERI-  
20 CAN BOARD OF MEDICAL SPECIALTIES AS PART OF ITS MAINTENANCE OF CERTIF-  
21 ICATION PROCESS OR ARE PROVIDED BY ANY OTHER ORGANIZATION DETERMINED BY  
22 THE COMMISSIONER TO BE APPROPRIATE FOR THE PURPOSES OF THIS SECTION; (B)  
23 SATISFY THE APPLICABLE HOUR REQUIREMENTS SET FORTH IN PARAGRAPH (A) OF  
24 SUBDIVISION FOUR OF THIS SECTION; (C) ARE SUBSTANTIALLY SIMILAR TO THE  
25 COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP AS DETERMINED BY THE  
26 OFFICE OF THE PROFESSIONS; AND (D) ARE APPROVED BY THE OFFICE OF THE  
27 PROFESSIONS.

28 6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY PRESCRIBER  
29 THAT IS CERTIFIED BY A MEMBER BOARD OF THE AMERICAN BOARD OF MEDICAL  
30 SPECIALTIES UNTIL SUCH TIME AS SUCH MEMBER BOARD HAS INTEGRATED THE  
31 COURSEWORK OR TRAINING REQUIRED BY THIS SECTION INTO SUCH MEMBER BOARD'S  
32 EXISTING MAINTENANCE OF CERTIFICATION PROCESS; PROVIDED, HOWEVER, THAT  
33 THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH PRESCRIBERS NO LATER  
34 THAN TWENTY-FOUR MONTHS AFTER THIS SECTION SHALL TAKE EFFECT.

35 S 2. This act shall take effect immediately.